

SENATE BILL 9050

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 21; Title 50; Title 58, Chapter 2 and Title 68, relative to COVID-19.

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

SECTION 1. Tennessee Code Annotated, Section 4-21-301, is amended by adding the following as a new subsection:

(1) As used in this subsection ():

(A) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any mutation or variant of SARS-CoV-2 or COVID-19;

(B) "Vaccination status" means an indication of whether a person has received one (1) or more doses of a vaccine for COVID-19; and

(C) "Vaccine passport" means a document, digital record, or software application indicating that a person is immune to COVID-19, either through vaccination or infection and recovery.

(2) Except as otherwise provided in this subsection (), it is a discriminatory practice for:

(A) A person to refuse, withhold from, or deny to an individual local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, healthcare access, or employment opportunities based on the individual's vaccination status or whether the individual has a vaccine passport;

(B) An employer to refuse employment to an individual, to bar an individual from employment, or to discriminate against an individual in

compensation or in a term, condition, or privilege of employment based on the individual's vaccination status or whether the individual has a vaccine passport;
or

(C) A place of public accommodation, resort, or amusement to exclude, limit, segregate, refuse to serve, or otherwise discriminate against an individual based on the individual's vaccination status or whether the individual has a vaccine passport.

(3) Subdivision () (2) does not apply to vaccination requirements set forth for school children pursuant to § 49-6-5001.

(4)

(A) It is not a discriminatory practice for a person, governmental entity, or an employer to recommend that an individual receive a vaccine for COVID-19.

(B) A healthcare institution, as defined in § 68-11-1602, does not unlawfully discriminate under subdivision () (2) if the healthcare institution:

(i) Asks an employee to volunteer the employee's vaccine passport or vaccination status for the purpose of determining whether the healthcare institution should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases. A healthcare institution may consider an employee to be nonvaccinated or nonimmune if the employee declines to provide the employee's vaccine passport or vaccination status to the healthcare institution for purposes of determining whether reasonable accommodation measures should be implemented;
and

(ii) Implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases.

(5) An individual must not be required to receive a vaccine for which the use is allowed under an emergency use authorization or a vaccine undergoing safety or clinical trials.

(6) A healthcare institution, as defined in § 68-11-1602, is exempt from compliance with subdivision () (2) during a period of time in which compliance with subdivision () (2) would result in a violation of regulations or guidance issued by the centers for medicare and medicaid services or the centers for disease control and prevention.

(7) The department of health shall notify each county department of health of the requirements of this subsection () and post the requirements of this subsection () in a conspicuous manner on the department's website.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) On and after the effective date of this act, public funds of this state, or a political subdivision of this state, must not be allocated to the implementation, regulation, or enforcement of a federal law, executive order, rule, or regulation that, in the judgment of the attorney general and reporter, would be a discriminatory practice under SECTION 1(2), would violate the tenth amendment to the Constitution of the United States, or would harm the economy of this state.

(b) On and after the effective date of this act, personnel or property of this state, or a political subdivision of this state, must not be allocated to the implementation,

regulation, or enforcement of a federal law, executive order, rule, or regulation that, in the judgment of the attorney general and reporter, would be a discriminatory practice under SECTION 1(2), would violate the tenth amendment to the Constitution of the United States, or would harm the economy of this state.

(c) The attorney general and reporter shall review federal laws, executive orders, rules, and regulations pursuant to this section at the request of a member of the general assembly. The attorney general and reporter shall disseminate the results of the review to the general assembly, the governor, and to governmental entities that are affected by the decision.

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