

SENATE BILL 9073

By Bowling

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

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) "Immunity 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; and

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

(2) Except as provided in subdivision () (3), 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 an immunity 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 an immunity 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 an immunity passport.

(3) This subsection () 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 this subsection () if the healthcare institution:

(i) Asks an employee to volunteer the employee's vaccination or immunization 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 vaccination or immunization 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 COVID-19.

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

(6) A licensed nursing home, long-term care facility, or assisted living facility is exempt from compliance with this subsection () during a period of time in which compliance with this subsection () 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 commission may impose a civil penalty of five thousand dollars (\$5,000) for each violation of subdivision () (2).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.