

Amendment No. 1 to SB1044

Crowe
Signature of Sponsor

AMEND Senate Bill No. 1044*

House Bill No. 1379

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following as a new chapter:

68-107-101.

This chapter is known and may be cited as the "Tennessee Accommodations for Children Act."

68-107-102.

As used in this chapter:

(1) "Camp" means any area, place, parcel, or tract of land on which facilities are established or maintained to provide children educational, social, recreational, or religious instruction or activities, or for other purposes, whether provided gratuitously or for compensation;

(2) "Changing facility" means an area in which a person may be in a state of undress in the presence of others, and includes a locker room, changing room, shower room, or multi-occupancy sleeping quarters;

(3) "Child" or "children" means a person or persons who have not attained eighteen (18) years of age;

(4) "Reasonable accommodation":

(A) Includes a single-occupancy restroom or changing facility;

and

(B) Does not include the following:

(i) Access to a restroom or changing facility that is designated for use by members of the opposite sex while members of the opposite sex are present or could be present;

(ii) Access to a restroom or changing facility that would put an undue burden on the requesting child;

(iii) Requesting that a governmental entity or private organization construct, remodel, or in any way perform physical or structural changes to a facility; or

(iv) Requesting that a governmental entity or private organization limit access to a restroom or changing facility that is designated for use by members of the opposite sex if limiting access results in a violation of state or local building codes or standards;

(5) "Restroom" means a facility that includes one (1) or more toilets or urinals; and

(6) "Sex" means a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth. Evidence of a person's biological sex includes a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate.

68-107-103.

(a) A camp operator shall, to the extent practicable, provide a reasonable accommodation to a child attending or participating in the camp if the child or the child's parent or legal guardian requests greater privacy when using a multi-occupancy restroom or changing facility while the child is attending or participating in the camp.

(b) A request for a reasonable accommodation can be made either before or during a child's participation or attendance in a camp.

(c) This section does not prohibit a camp operator from adopting policies necessary to accommodate persons protected under the federal Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), or persons in need of physical assistance when using restrooms or changing facilities.

68-107-104.

(a) A child or the child's parent or legal guardian has a private right of action against the camp operator, if:

(1)

(A) The child who requests a reasonable accommodation pursuant to this part encounters a member of the opposite sex in a multi-occupancy restroom or changing facility while attending or participating in a camp;

(B) The child is in a multi-occupancy restroom or changing facility designated for the child's sex at the time of the encounter; and

(C) The camp operator intentionally allowed a member of the opposite sex to enter the multi-occupancy restroom or changing facility while other persons were present; or

(2) A child is required by the camp operator to share sleeping quarters with a member of the opposite sex, unless the member of the opposite sex is a parent or sibling of the child.

(b) A child or a child's parent or legal guardian aggrieved under this section who prevails in court may recover monetary damages, including monetary damages for psychological, emotional, and physical harm suffered, and attorney fees and court costs.

(c) This section does not limit other remedies at law or equity available to the aggrieved person against the camp operator.

(d) A civil action brought pursuant to this section must be initiated within one (1) year from the later of:

(1) The date on which the claim arose; or

(2) The date on which the child or the child's parent or legal guardian first learned of the event giving rise to the claim.

SECTION 2. If any provision of this act or its application to any 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 3. This act takes effect July 1, 2023, the public welfare requiring it.