

HOUSE BILL 1269

By Rudder

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 47; Title 49; Title 50;
Title 66 and Title 68, relative to discrimination.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, is amended by adding the following as a new part:

4-21-1101. Part definitions.

As used in this part:

(1) "COVID-19" means an infectious respiratory disease caused by the coronavirus named SARS-CoV-2, or a mutation of that coronavirus;

(2) "COVID-19 vaccination status" means the status of an individual's dosage or schedule for a vaccine specifically designed for COVID-19, including whether the individual has not received, or has opted not to receive, the vaccine;

(3) "Discrimination":

(A) Means a direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or other act or practice of differentiation or preference in the treatment of a person or persons, by:

(i) An entity's action or policy regarding COVID-19 vaccination status, including an action or policy made in accordance with local, state, or federal statute or order regarding COVID-19 vaccination status;

(ii) The actions of an individual acting at the direction of an entity; or

(iii) The actions of an individual employed by or in service to an entity acting outside the direction or without the direction of an entity; and

(B) Excludes a direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or other act or practice of differentiation or preference within an intrapersonal social context; and

(4) "Entity":

(A) Means a public or private entity that is open to the public; and

(B) Includes businesses; airlines; public transit systems; public and private schools, as defined in § 49-6-3001; and government properties, such as libraries.

4-21-1102. COVID-19 vaccination status discrimination prohibited.

(a) There is created a civil cause of action for discrimination against an individual on the basis of the individual's COVID-19 vaccination status.

(b) A court shall assess the following civil penalties upon a party that the court determines is liable to a victim for an act of discrimination on the basis of COVID-19 vaccination status under this part:

(1) One thousand dollars (\$1,000) for the first act of discrimination;

(2) Ten thousand dollars (\$10,000) for the second act of discrimination;

and

(3) Seven hundred fifty thousand dollars (\$750,000) for a third or subsequent act of discrimination.

(c) The remedy for discrimination provided in this part is in addition to, and does not preclude victims from seeking, other remedies, criminal or civil, otherwise available under the law.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.