

HOUSE BILL 1319

By Kumar

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 5; Title 6; Title 7; Title 15; Title 49 and Title  
58, relative to the display of flags.

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

SECTION 1. Tennessee Code Annotated, Section 4-1-406, is amended by adding the following as a new subsection:

(c)

(1) The United States flag and the official state flag must be displayed continuously on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions.

(2) A flag other than the United States flag and the official state flag shall not be displayed continuously on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions. Flags representing a club, society, or organization may only be displayed on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions, for the period of time for which the entity is meeting or performing an authorized function on the property.

(3) Subdivision (c)(2):

(A) Does not apply to a flag protected by § 4-1-412;

(B) Does not prohibit the P.O.W.-M.I.A. flag from being displayed pursuant to title 58, chapter 4, part 3; and

(C) Does not prohibit a state agency from flying the MIA/POW flag on March 29 of each year in observance of "Vietnam Veterans Day."

(4) As used in this subsection (c), "political subdivision" has the same meaning as defined in subsection (b).

SECTION 2. Tennessee Code Annotated, Section 5-7-109, is amended by deleting subsection (a) and substituting instead the following:

(a) A county mayor of a county whose courthouse is equipped with a flag pole has the right to request and be furnished with a flag of the state of Tennessee, which must be displayed continuously by the county authority pursuant to § 4-1-406(c).

SECTION 3. Tennessee Code Annotated, Section 49-6-2005, is amended by deleting the section and substituting instead the following:

(a) The United States flag and the official state flag must be displayed continuously on each public school building. The local board of education shall purchase at wholesale prices, on competitive bids, as many flags as needed for the various schools and to pay for them out of the public school funds.

(b) A flag other than the United States flag and the official state flag shall not be displayed continuously on a public school building. Flags representing a club, society, or organization may only be displayed on a public school building for the period of time for which the entity is meeting or performing an authorized function on school property.

(c) Subsection (b):

(1) Does not apply to a flag protected by § 4-1-412;

(2) Does not prohibit the P.O.W.-M.I.A. flag from being displayed pursuant to title 58, chapter 4, part 3; and

(3) Does not prohibit a public school from flying the MIA/POW flag on March 29 of each year in observance of "Vietnam Veterans Day."

(d) In order to ensure uniformity in the quality of the flags displayed and the flag's adaptability to the size of the building on which it is displayed, the commissioner of

education shall specify the size and quality of flags to be purchased and outline rules and regulations for the proper care, display, and observance of the flags.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.