



# State of Tennessee

## PUBLIC CHAPTER NO. 821

SENATE BILL NO. 2861

By Roberts, Bowling, Yager

Substituted for: House Bill No. 2619

By Ragan, Moody, McCalmon, Russell, Sherrell, Powers, Cochran, Fritts, Grills

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 41, relative to the department of correction.

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

SECTION 1. Tennessee Code Annotated, Section 41-1-408, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)(1) As used in this subsection (b):

(A) "Hormone replacement therapy" means a medical approach that involves administering sex hormones and other hormonal medications with the primary goal of altering a person's physical appearance and sexual characteristics existing at the person's birth;

(B) "Psychotropic medication" means medication used for antipsychotic, antidepressant, antimanic, antianxiety, behavioral modification, or behavioral management purposes, as listed in the *Physician's Desk Reference* (PDR), or where there is a body of peer-reviewed medical literature supporting its use; and

(C) "Sex reassignment surgery" means a surgical procedure, or series of procedures, that alters a person's physical appearance and sexual characteristics existing at the person's birth.

(2)(A) Notwithstanding this title to the contrary, the department of correction shall not use state funds:

(i) To administer hormone replacement therapy to state inmates incarcerated in a state penitentiary or a county jail or workhouse. This subdivision (b)(2)(A)(i) does not apply to state inmates receiving hormone replacement therapy prior to the effective date of this act; or

(ii) For sex reassignment surgery for state inmates incarcerated in a state penitentiary or a county jail or workhouse.

(B) Subdivision (b)(2)(A) does not prohibit the department from administering psychotropic medication to state inmates incarcerated in a state penitentiary or a county jail or workhouse if deemed necessary by trained medical personnel provided in accordance with subsection (a).

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 upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2861

PASSED: April 11, 2024

  
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RANDY McNALLY  
SPEAKER OF THE SENATE

  
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CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 29<sup>th</sup> day of April 2024

  
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BILL LEE, GOVERNOR