

SENATE BILL 819

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 50, relative to harassment.

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

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

(a) As used in this section:

(1) "Harassment" means sexual harassment and harassment based on pregnancy, childbirth, or related medical conditions and does not need to be motivated by sexual desire; and

(2) "Non-employee" has the same meaning as defined in § 50-1-702.

(b) It is a discriminatory practice for a person who is paying a non-employee for labor or services to engage in harassment of the non-employee because of the non-employee's sex.

(c) Harassment of a non-employee by an employee of the person who is paying the non-employee for labor or services is deemed harassment by the person if the person knew or should have known of the employee's conduct and failed to take immediate and appropriate corrective action.

(d) This section applies to the following persons who are paying non-employees for labor or services:

(1) A person with eight (8) or more employees or with one (1) or more non-employees providing labor or services;

(2) A person acting as an agent of another person, directly or indirectly;

(3) A person employed by another person whose scope of employment includes supervising or managing employees;

(4) The state; or

(5) A county, including a county having a metropolitan form of government, or municipal government, or an agency or unit thereof, or another political subdivision of the state.

(e) This section does not establish employment status for non-employees for purposes other than as specified in this section.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to conduct that occurs on or after that date.