

SENATE BILL 1515

By Rose

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7 and Title 68, Chapter 2, Part 6,
relative to public health emergencies.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 2, Part 6, is amended by adding the following as a new section:

(a) If a county or city experiences a health emergency, including, without limitation, a statewide declaration of the existence of a health epidemic or pandemic, a countywide or citywide epidemic, or the imminent threat of an epidemic or pandemic, resulting in the need for health policies that affect the entire county or city, the county mayor has the exclusive authority in the unincorporated areas of the county, and each city mayor has the exclusive authority in the corporate limits of the mayor's city, to establish and implement such policies under advisement from the county health director or county health officer, or both, as necessary. During a health emergency, the county board of health also becomes advisory to the county mayor and each city mayor in the county.

(b) Notwithstanding subsection (d), subsection (a) applies to counties that have a county board of health, a population of not less than nine hundred thousand (900,000), according to the 2010 or any subsequent federal census, and at least seven (7) municipalities within the county.

(c) If a county experiences a countywide health emergency, including, without limitation, a statewide declaration of the existence of a health epidemic, a countywide epidemic, or the imminent threat of an epidemic, resulting in the need for health policies

that affect the entire county, the county mayor shall, and has the exclusive authority to, establish and implement such policies under advisement from the county health director or county health officer, or both, as necessary. During a health emergency, the county board of health also becomes advisory to the county mayor.

(d) Subsection (c) applies to counties that have a board of health.

SECTION 2. Tennessee Code Annotated, Section 68-2-601(f)(3), is amended by deleting the language "Adopt rules" and substituting instead the language "Except as provided by Section 1, adopt rules", and is further amended by adding the following language after the first sentence:

Rules, regulations, and orders adopted by a board of health must not conflict with or supersede health policies adopted pursuant to Section 1.

SECTION 3. Tennessee Code Annotated, Section 68-2-608(b), is amended by deleting the language "Whenever" and substituting instead the language "Except as provided by Section 1 and § 68-2-601(f)(3), whenever".

SECTION 4. Tennessee Code Annotated, Section 68-2-609, is amended by deleting the language "The county health officer" and substituting instead the language "Except as provided by Section 1 and § 68-2-601(f)(3), the county health officer".

SECTION 5. 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 6. This act takes effect upon becoming a law, the public welfare requiring it.