



## Legislative Bill Tracking List 2018

These are the bills that FACT and FACT's legislative arm, Family Action of Tennessee, are tracking through the Tennessee General Assembly this year that relate to marriage, family, life, religious liberty, and more. Bills are organized by categories that are listed alphabetically. Bill sponsors for both the Senate bill and House bill are listed in parentheses.

### **Senate Bill 4 (Gresham) / House Bill 357 (Dunn) – Prohibits Social-Emotional Learning Standards**

#### BILL SUMMARY

Prohibits the state board of education from adopting or providing standards or competencies for social and emotional learning (SEL).

#### BILL ANALYSIS

SEL is a process by which students are taught to apply their knowledge in social, emotional, and relational contexts.

Last summer, Tennessee joined a national pilot program (CASEL) implementing SEL standards but was forced to withdraw following concerns from citizens and legislators.

This bill would prohibit the state from introducing or requiring SEL. It does not address whether local school districts can choose to implement SEL.

### **Senate Bill 127 (Green) / House Bill 54 (Zachary) – Business Protection Act**

#### BILL SUMMARY

Prohibits discriminatory action by state and local government officials against businesses on the basis of the business' internal personnel policies, provided they are in compliance with state and federal law.

#### BILL ANALYSIS

It prohibits a local government or a "rogue" state or local official from conditioning contracts or bids or other business with private entities on whether they hold specific internal policies beyond what state law requires.

### **Senate Bill 244 (Pody) / House Bill 108 (VanHuss) – Fetal Heartbeat Bill**

#### BILL SUMMARY

As drafted the bill would ban abortion if a fetal heartbeat is detected. However, the bill has been amended to require additional reporting of information and notice to the pregnant woman of the right to be informed of the results of an ultrasound, if any.

#### BILL ANALYSIS

The bill was amended in the House Health Subcommittee due to concerns that as written it would not survive a constitutional challenge under existing Supreme Court precedent, as states can ban abortion after “viability” which, legally, is considered to occur at 24 weeks.

As amended, the doctor performing an abortion will include in information that must be reported to the Department of Health whether an ultrasound was performed on the pregnant woman, and if so, whether a heartbeat was detected. This information must also be included in the information that must be provided to the pregnant woman prior to the abortion being performed.

### **Senate Bill 346 (Niceley) / House Bill 814 (Lovell) – Horse Racing: Establishes Horse Racing Commission**

#### BILL SUMMARY

Establishes the Tennessee Horse Racing Commission to regulate horse racing and wagering in Tennessee.

#### BILL ANALYSIS

This bill is the final step toward full legalization of horse racing and gambling on those races in Tennessee. Virtually identical to SB 1908, below.

### **SB 582 (Gresham) / HB 1039 (Smith) – Requires School Board Elections to Be Partisan**

#### BILL SUMMARY

Requires school board elections to be partisan races.

#### BILL ANALYSIS

Important bill for transparency and voter education. Since Tennessee is mostly Republican, many Democrats have focused on non-partisan elections (school board, municipal office) to assert influence on the local level. They are able to be elected because it is difficult to ascertain the full extent of their beliefs through campaign mailers, etc. This bill will require school board candidates to run as partisan, party candidate.

### **Senate Bill 673 (Harris) / House Bill 860 (Miller) – Legalizes Marijuana for Medical Purposes**

#### BILL SUMMARY

Creates an exception to the criminal code to the offense of simple possession of marijuana in limited circumstances.

#### BILL ANALYSIS

The bill provides that an individual can possess marijuana if they have a valid, medical marijuana identification card issued in any state and who obtained the marijuana pursuant to a valid physician's recommendation.

## **Senate Bill 1142 (Kyle) / House Bill 721 (Powell) – Mandates Contraception Coverage for Insurance Policies**

### **BILL SUMMARY**

Requires that every group health insurance policy, to the extent not preempted by federal law, have coverage for ALL contraceptive drugs and devices approved by the FDA.

### **BILL ANALYSIS**

This is very similar to the Obamacare mandate on contraception, which resulted in a lawsuit from the Little Sisters of the Poor. The bill does offer a mild religious liberty exception but requires an organization to file for a religious exemption (subject to approval) and offer written notice to prospective enrollees.

## **Senate Bill 1378 (Tate) / House Bill 1394 (Wirgau) – Assisted Suicide Bill**

### **BILL SUMMARY**

Allows for an adult suffering from a terminal disease to make a written request for life-ending medication.

### **BILL ANALYSIS**

Raises a whole host of spiritual, legal, and ethical issues. If passed, this bill could have enormous impact as to Tennessee's policy (as a state) on the intrinsic value of life.

## **Senate Bill 1510 (Massey) / House Bill 2164 (Moody) – Child Sexual Abuse Instruction**

### **BILL SUMMARY**

Requires instruction on the detection, intervention, prevention, and treatment of child sexual abuse be provided as part of a family life curriculum.

### **BILL ANALYSIS**

Amends the law providing for age appropriate abstinence-based family life curriculum in counties whose pregnancy ratio in girls between the ages of 15 and 17 meets a stated standard. Specifically, this bill would amend that statute to include the detection, intervention, prevention and treatment of child sexual abuse among the information that should be covered in the family life curriculum.

## **Senate Bill 1633 (Yarbro) / House Bill 1700 (Love) – Legalization of Medical Marijuana**

### **BILL SUMMARY**

Create an exception to the criminal law for the possession of no more than one ounce of marijuana if it is possessed for the treatment of a provable medical condition.

### **BILL ANALYSIS**

The bill as drafted allows a person who can prove a medical diagnosis of one of 19 medical conditions ranging from severe nausea to HIV or AIDS, to possess up to one ounce of marijuana. It does not require that a physician prescribe the marijuana, only that the person "reasonably believes" it is necessary for the treatment of the condition.

## **Senate Bill 1710 (Dickerson) / House Bill 1749 (Faison) – Legalization of Medical Marijuana**

### **BILL SUMMARY**

Enacts the "Medical Cannabis Act"; establishes medical cannabis commission for regulation of cannabis-related health care.

### **BILL ANALYSIS**

This is a far-reaching bill that would authorize and regulate the production, sale and use of marijuana for medical purposes. Among the provisions included are:

- Establishment of a commission that would be charged with regulating all aspects of the production, sale and use of marijuana to include licensing of facilities to produce or dispense marijuana;
- Voters of county or municipality may exercise a local option referendum on whether to allow the retail sale of medical marijuana in their jurisdiction;
- Generally, a licensed grower of marijuana may do so anywhere in the state, however, a county legislative body will have authority to prohibit such activity by opting the county out of this provision.
- Prior to purchase of marijuana an individual must first be approved as an authorized cardholder by the commission.
- Becoming an authorized cardholder requires that the person must first obtain certification from a physician of a diagnosis of one or more of the debilitating medical conditions that are outlined in the legislation, or as determined by the commission.

## **Senate Bill 1908 (Niceley) / House Bill 2109 (Tillis) – Horse Racing: Establishes Horse Racing Commission**

### **BILL SUMMARY**

Establishes the Tennessee Horse Racing Commission to regulate horse racing and wagering in Tennessee.

### **BILL ANALYSIS**

This bill is the final step toward full legalization of horse racing and gambling on those races in Tennessee. Virtually identical to SB 346, above.

## **Senate Bill 1943 (Kyle) / House Bill 1982 (Jones) – Gender Identity added as a Factor in Determining Hate Crime**

### **BILL SUMMARY**

Adds gender identity to the list of victim characteristics which should be considered as an enhancement factor in sentencing.

### **BILL ANALYSIS**

Currently a person's criminal sentence can be enhanced if it is determined that the person intentionally committed a crime against another because the victim exhibited one of a number of characteristics. These characteristics include, among others, the victim's "race, religion, color, disability, sexual orientation, national origin, ancestry or gender." This bill would add "gender identity" to the list.

## **Senate Bill 1961 (Pody) / House Bill 1892 (VanHuss) – Fetal Heart Detection**

### **BILL SUMMARY**

Prohibits abortions from the point a fetal heartbeat is detected; requires fetal heartbeat testing prior to an abortion; creates exceptions.

### **BILL ANALYSIS**

This bill as drafted is virtually identical to the original language of SB 244/HB 108. However, as discussed above, SB 244 was amended in a House subcommittee because there was insufficient support to pass the bill as drafted. It would be expected that this bill will also not have the support for passage as written.

## **SB 2029 (Green) / HB 2690 (Weaver) – Enhances Privacy Protections for Student Data**

### **BILL SUMMARY**

As introduced, creates additional privacy protections for students' education and health records; prohibits release of student records in certain circumstances without parents' informed written consent.

### **BILL ANALYSIS**

The bill as drafted would require the prior informed written consent of a parent before a student participates in a personal analysis, survey or evaluation that could reveal personal information and/or beliefs as well as the right to see whatever instruments would be used in the survey. It also details the information that must be provided to the parent in making the informed consent and places other safeguards to protect personally identifiable information of students.

## **Senate Bill 2148 (Bell) / House Bill 2251 (Matlock) – Medicare/Medicaid Funding**

### **BILL SUMMARY**

Seeks to ensure that entities that promote or support elective abortions do not benefit directly or indirectly from state funding.

### **BILL ANALYSIS**

According to the Department of Finance and Administration almost \$1 million in state funding over the last five years went to entities such as Planned Parenthood that perform elective abortions. The funding in question is in the form family planning grants from the federal government. The federal rules do not exclude abortion providers from receiving the grants, therefore the bill directs the commissioner of F&A to submit a request for a waiver to exclude such entities in the distribution of those funds. While such waivers were not approved by the Obama administration, there is some hope that the Trump administration would take a different approach.

## **Senate Bill 2365 (Crowe) / House Bill 1746 (Hill, M) – Information to be Provided Prior to Abortion**

### **BILL SUMMARY**

Requires that certain information regarding the physician who will perform an abortion be provided to the woman prior to an abortion.

### **BILL ANALYSIS**

Current law requires that a woman seeking an abortion must be provided with certain information and notice prior to the abortion being performed. This bill would require that notice to include information about the physician performing the abortion, such as:

- The name of the physician;
- Whether any disciplinary action has been taken against the physician;
- Whether the physician has lost clinical privileges at an area hospital, and if so, the name of the hospital; and
- Whether the physician has medical malpractice insurance.

## **Senate Bill 2480 (Hensley) / House Bill 2620 (Holt) – School Protection and Student Privacy**

### **BILL SUMMARY**

Authorizes attorney general to represent of a local school board and/or its employees in a legal proceeding arising out of the school board's adoption of a policy or practice designating multi-person restrooms, locker rooms, or other facilities for use based only on one's biological sex.

### **BILL ANALYSIS**

This bill does not require a local school board to have a policy on use of its restrooms or locker rooms. It merely provides that if it does have a policy protecting the privacy of students in such facilities based on biological sex, the attorney general will represent them in the lawsuit. It has been the practice of entities such as the ACLU to file lawsuits on issues such as this knowing that the school board will often settle to avoid significant attorney's fees. This will protect the school boards from these tactics.

## **Senate Bill 2494 (Johnson) / House Bill 2262 (Dunn) – Use of State Family Planning Funding**

### **BILL SUMMARY**

Seeks to ensure that entities that promote or support elective abortions do not benefit directly or indirectly from state funding.

### **BILL ANALYSIS**

The intent of this legislation is similar to that of SB 2148/HB 2251, which is to eliminate family planning funds from going to entities that provide elective abortions such as Planned Parenthood. This bill would place into law the method implemented by the Haslam administration to prioritize entities receiving these funds with entities such as Planned Parenthood being awarded the funds only as a last resort if there is no other qualified entity to perform the required services.

## **Senate Bill 2655 (Watson) / HB 1946 (Casada) – Right of General Assembly to Intervene in Certain Lawsuits**

### **BILL SUMMARY**

Allows the Speaker of the House and Speaker of the Senate, jointly, or a majority of the members of both houses to intervene in certain *existing* legal proceedings where the constitutionality of a state statute is challenged or in which “new” or novel interpretations to expand constitutional or statutory rights are being advocated.

### **BILL ANALYSIS**

Private litigants are increasingly calling on the courts to effectively set public policy through their advocacy for new constitutional rights and through “interpretations” of statutes based challenges to the statutes as written and enacted. This judicial activism is resulting in an erosion of the “legislative authority” delegated to the General Assembly under Article II, Section 3 of the Tennessee Constitution.

### **Joint Resolutions**

The following two pieces of legislation are joint resolutions calling for the amendment of the Tennessee Constitution. In order to be successful joint resolutions must go through three steps:

1. The resolution must pass both the House and the Senate by a majority of the members of each house.
2. If successful in the first step, the resolution must then pass both the House and the Senate by a two-thirds majority of the members of each house during the next General Assembly.
3. Any resolution that passes that threshold will then be placed on the ballot of the next November general election which includes the race for governor.

Both resolutions are in the first step of the process and if successful at the first two steps will appear on the November 2022 general election ballot.

## **Senate Joint Resolution 88 (Yager) – Method of Selecting the Attorney General**

### **RESOLUTION SUMMARY**

This resolution seeks to amend Article VI, Section 5 of the Tennessee Constitution to provide for appointment of the state attorney general by joint vote of the General Assembly. The Tennessee Supreme Court currently selects the attorney general.

### **RESOLUTION ANALYSIS**

The purpose of the resolution is to restore a greater balance between the powers of the judicial and legislative branches of state government by creating a measure of accountability within the Office of the Attorney General. Since Supreme Court Justices are no longer subject to direct election by the people for their appointment to this office, it has become largely unaccountable to anyone, much less the people, and this autonomy has effectively allowed the Attorney General’s office to become like a fourth department of state government but without any constitutional checks and balances.

## **House Joint Resolution 109 – Authorizing Casinos and Games of Chance**

### RESOLUTION SUMMARY

The resolution seeks to amend Article XI, Section 5 of the Tennessee Constitution that if passed, would allow the legislature to authorize casinos and games of chance associated with casinos to be operated in Tennessee.

### RESOLUTION ANALYSIS

If this is ultimately approved, the General Assembly would be then debate whether to authorize casinos and the related games of chance. If they are legalized the General Assembly would then establish parameters.

Visit <https://factn.org/legislation/bill-tracking/> to stay updated on these bills.