State of Tennessee

PUBLIC CHAPTER NO. 938

HOUSE BILL NO. 1271

By Representatives Cochran, Moody, Maberry, Greg Martin, Capley, Lynn, Hawk, Powers, Bulso, Reneau

Substituted for: Senate Bill No. 936

By Senators Rose, Bailey, Bowling, Haile, Hensley, Lowe, Stevens, White

AN ACT to amend Tennessee Code Annotated, Title 1; Title 3; Title 4; Title 5; Title 6; Title 7 and Title 8, relative to biological sex.

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

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

(a)

(1)

(A) No later than January 1, 2027, each local governmental entity shall revise any existing ordinance, resolution, rule, policy, and procedure that includes a reference to a natural person's sex or gender to state that those terms are defined as the immutable characteristics of the person's reproductive system that identify the person as male or female, as determined by anatomy and genetics existing at the time of birth.

(B) On or after July 1, 2026, a local governmental entity shall not adopt or enact any ordinance, resolution, rule, policy, or procedure that reflects a sex or gender that is not based upon or defined as the immutable characteristics of a natural person's reproductive system that identify the person as male or female, as determined by anatomy and genetics existing at the time of birth.

(2) On or after January 1, 2027, a person residing in the jurisdiction of a local governmental entity who believes the local governmental entity has not complied with subdivision (a)(1) may file a complaint in chancery court in that person's county of residence. The person filing the complaint shall have the burden of proving by a preponderance of the evidence that the local governmental entity has not complied with subdivision (a)(1).

(3) If the court finds the local governmental entity is in violation of and has not complied with subdivision (a)(1), the court shall issue a writ of mandamus ordering the entity to comply with subdivision (a)(1), and may take any other action within the scope of the jurisdiction of the court to ensure such compliance.

(4) Upon a finding by the court that a local governmental entity has not complied with the court's order within ninety (90) days of the issuance of the order under subdivision (b)(3), the local governmental entity becomes ineligible to enter into any grant contract with the department of economic and community development until such time as the local governmental entity comes into compliance with subdivision (a)(1) as evidenced by a certification of compliance issued by the court.

(5) As used in this subsection (a), "local governmental entity" means a county, incorporated city or town, metropolitan government, school district, utility district, or other political subdivision of this state.

(6) A local governmental entity is not noncompliant with subdivision (a)(1) based solely on the local governmental entity's acceptance of a valid birth certificate or other lawfully issued form of identification.

(b)

(1)

(A) No later than January 1, 2027, each state governmental entity shall revise any existing rule, policy, and procedure that includes a reference to a natural person's sex or gender to state that those terms are defined as the immutable characteristics of the person's reproductive system that identify the person as male or female, as determined by anatomy and genetics existing at the time of birth.

(B) On or after July 1, 2026, a state governmental entity shall not adopt or enact any rule, policy, or procedure that reflects a sex or gender that is not based upon or defined as the immutable characteristics of a natural person's reproductive system that identify the person as male or female, as determined by anatomy and genetics existing at the time of birth.

(2) On or after January 1, 2027, a person may file a complaint with the comptroller of the treasury that a state governmental entity is in violation of and has not complied with subdivision (b)(1). Upon receipt of a credible complaint, the comptroller may investigate whether the state governmental entity is in compliance with subdivision (b)(1).

(3) Upon a finding by the comptroller of the treasury that a state governmental entity is not in compliance with subdivision (b)(1), the comptroller shall provide written notice of such findings to the executive head or governing body of the entity, as applicable. If the comptroller finds that the state governmental entity has not come into compliance with subdivision (b)(1) within ninety (90) days of receipt of such notice of noncompliance, the comptroller:

(A) For a state governmental entity that is not an institution of higher education and that is eligible to enter into a grant contract with the department of economic and community development, shall provide notice to the department of the entity's noncompliance. Upon receiving such notice, the state governmental entity becomes ineligible to enter into any grant contract with the department until such time as the state governmental entity comes into compliance with subdivision (b)(1) as evidenced by a certification of compliance issued by the comptroller of the treasury; or

(B) For a state governmental entity that is an institution of higher education or otherwise ineligible to enter into a grant contract with the department of economic and community development, shall provide notice of the entity's noncompliance to the department of finance and administration and to the chairs of the joint government operations committee of the senate and house of representatives. Upon receiving such notice, the department:

(i) For a first notice of noncompliance, shall notify the entity that a second or third notice of noncompliance will result in a loss of general fund revenue from this state in accordance with this subdivision (b)(3)(B);

(ii) For a second notice of noncompliance, shall withhold ten percent (10%) of the total general fund revenue the entity is otherwise entitled to receive for the next subsequent fiscal year, to be held in escrow until such time as the state governmental entity comes into compliance with subdivision (b)(1) as evidenced by a

certification of compliance issued by the comptroller of the treasury; and

(iii) For a third notice of noncompliance, shall withhold twenty percent (20%) of the total general fund revenue the entity is otherwise entitled to receive for the next subsequent fiscal year, to be held in escrow until such time as the state governmental entity comes into compliance with subdivision (b)(1) as evidenced by a certification of compliance issued by the comptroller of the treasury. Upon receipt of a third notice of noncompliance, the chairs of the joint government operations committee of the senate and house of representatives shall require the executive head or governing body of the entity, as applicable, to appear before the committee for lack of compliance with subdivision (b)(1). After the meeting, the committee shall make recommendations to the speakers of the senate and house of representatives regarding the noncompliance of the entity.

(4) As used in this subsection (b), "state governmental entity" means a state agency, authority, board, commission, department, or office within the executive branch of state government or any autonomous state agency, authority, board, commission, department, office, or institution of higher education.

(5) A state governmental entity is not noncompliant with subdivision (b)(1) based solely on the state governmental entity's acceptance of a valid birth certificate or other lawfully issued form of identification.

(c) This section does not require a state governmental entity to adopt or enact a rule, policy, or procedure that violates federal law.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 22, 2026

CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 7th day of May 2026

BILL LEE, GOVERNOR