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HOUSE BILL 1474

By Bulso

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 15; Title 20 and Title 49, relative to the No Pride Flag or Month Act.

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

SECTION 1. Tennessee Code Annotated, Title 15, is amended by adding the following as a new chapter:

15-3-101. Short title.

This chapter is known and may be cited as the "No Pride Flag or Month Act."

15-3-102. Definitions.

(a) As used in this chapter:

(1) "LGBTQ flag or emblem" includes, but is not limited to:

(A) A flag or emblem intended to display support for lesbianism, homosexuality, bisexuality, transgenderism, gender non-conforming behavior, or individuals who engage in such conduct;

(B) The rainbow flag, which depicts the colors of the rainbow as horizontal stripes, and any variation of this design;

(C) The equality flag, which depicts a yellow equals sign against a blue background, and any variation of this design;

(D) The transgender flag, which consists of two (2) light blue stripes, two (2) pink stripes, and a white stripe in the center, and any variation of this design; and

(E) Any object, image, or representation that uses the word "pride" in a manner intended to convey support for or approval of

lesbianism, homosexuality, bisexuality, transgenderism, gender non-conforming behavior, or individuals who engage in such conduct; and

(2) "LGBTQ pride period" means the designation of a month, week, day, or another period of time for commemorating, celebrating, or conveying support for or approval of lesbianism, homosexuality, bisexuality, transgenderism, gender non-conforming behavior, or individuals who engage in such conduct.

15-3-103. LGBTQ pride flag and period not recognized.

(a) Notwithstanding another law to the contrary, except as provided in subsection (c), an LGBTQ flag or emblem must not be displayed or maintained on property owned by this state or a political subdivision of this state, or on a building or the grounds of any such building, by any employee, volunteer, or agent of this state or a political subdivision of this state in accordance with this chapter.

(b) Notwithstanding another law to the contrary, except as provided in subsection (c), this state or a political subdivision of this state shall not take any action that recognizes or acknowledges the month of June or another period of time as an LGBTQ pride period, and an employee, volunteer, or agent of this state or a political subdivision of this state shall not take any such action while working for, acting as an agent of, or volunteering for this state or a political subdivision of this state.

(c) This section must not be construed to restrict or regulate:

(1) The off-the-job behavior of an employee, volunteer, or agent of this state or a political subdivision of this state; or

(2) Speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the supreme court of the United States' interpretations of the Fourteenth Amendment of the United States Constitution.

(d) Notwithstanding another law to the contrary, adverse action or threats of any sort must not be taken or made by this state or a political subdivision of this state, or by an officer, employee, or agent of this state or a political subdivision of this state, against a person in response to that person's violation or violations of this section, except as provided in § 15-3-104, and the sole and exclusive remedy for violating this section is a private right of action for civil damages brought in accordance with § 15-3-104. This section does not preclude or limit the enforcement of another law, rule, or regulation governing conduct that is independently prohibited by such other law, rule, or regulation, and that would remain prohibited by such other law, rule, or regulation in the absence of this section.

15-3-104. Private right of action.

(a) A citizen, resident, or taxpayer of this state has standing to bring and may bring a civil action against a person who violates § 15-3-103.

(b) If a claimant prevails in an action brought under subsection (a), the court shall award:

(1) Declaratory and injunctive relief sufficient to prevent the defendant from violating this chapter;

(2) Nominal and compensatory damages if the plaintiff has suffered injury or harm from the defendant's conduct, including, but not limited to, emotional distress; and

(3) Costs and attorney's fees.

(c) Notwithstanding another law to the contrary:

(1) A person may bring an action under this section not later than six (6) years from the date the cause of action accrues;

(2) A person may commence an action under this section and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies; and

(3) The following are not a defense to an action brought under this section:

(A) Ignorance or mistake of law;

(B) A defendant's belief that the requirements or provisions of this chapter are unconstitutional or were unconstitutional;

(C) A defendant's reliance on any court decision that has been vacated, reversed, or overruled on appeal or by a subsequent court, even if that court decision had not been vacated, reversed, or overruled when the violation or attempted violation of § 15-3-103 occurred;

(D) A defendant's reliance on a state or federal court decision that is not binding on the court in which the action has been brought;

(E) A defendant's reliance on a federal statute, agency rule or action, or treaty that has been repealed, superseded, or declared invalid or unconstitutional, even if such federal statute, agency rule or action, or treaty had not been repealed, superseded, or declared invalid or unconstitutional when the cause of action accrued;

(F) Non-mutual issue preclusion or non-mutual claim preclusion;

(G) The consent of the plaintiff to the defendant's conduct;

(H) Contributory or comparative negligence;

(I) Assumption of risk;

(J) Sovereign immunity, governmental immunity, official immunity, or qualified immunity;

(K) The plaintiff's waiver or purported waiver of their right to sue under this section;

(L) The plaintiff's failure to exhaust administrative remedies; or

(M) A claim that the enforcement of this chapter against the defendant will violate the constitutional or federally protected rights of third parties, except as provided by subsection (g).

(d) A waiver or purported waiver of the right to sue under this section is void as against public policy, and is not enforceable in a court.

(e) Notwithstanding § 20-2-223 or another law to the contrary, the courts of this state have personal jurisdiction over a defendant sued under this section to the maximum extent permitted by the Fourteenth Amendment of the United States Constitution, and service may be made outside of this state.

(f) Notwithstanding another law to the contrary, the law of this state applies to any action brought under this section to the maximum extent permitted by the Constitution of the United States. Any contractual choice of law provision that purports to require the law of a different jurisdiction to apply is void as against public policy, and such provision is unenforceable in an action brought pursuant to this section.

(g) A defendant against whom an action is brought under this section may assert an affirmative defense to liability under this section if:

(1) The enforcement of this chapter against the defendant will violate the constitutional or federally protected individual rights of the defendant; or

(2) The defendant:

(A) Has standing to assert the rights of a third party under the test for third-party standing established by the supreme court of the United States; and

(B) Demonstrates that the enforcement of this chapter against the defendant will violate the constitutional or federally protected rights belonging to that third party.

(h) This section does not limit or preclude a defendant from asserting the unconstitutionality of any provision of this chapter as a defense to liability under this section, or from asserting any other defense that might be applicable under other state or federal law.

(i) Notwithstanding another law to the contrary, a civil action brought under this section is not subject to the Tennessee Public Participation Act, codified at title 20, chapter 17.

SECTION 2. This act takes effect July 1, 2026, the public welfare requiring it, and applies to actions or omissions occurring on or after that date.