HOUSE BILL 1233
By Zachary

SENATE BILL 1367

By Bell

AN ACT to amend Tennessee Code Annotated, Title 49, relative to the Tennessee Accommodations for All Children Act.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, is amended by adding Sections 2 – 5 as a new part.

SECTION 2. This part is known and may be cited as the "Tennessee Accommodations for All Children Act."

SECTION 3. As used in this part:

(1) "Changing facility" means an area in which a person may be in a state of undress in the presence of others, including a locker room, changing room, or shower room;

(2) "Reasonable accommodation" includes, but is not limited to: access to a single-occupancy restroom or changing facility, or use of an employee restroom or changing facility. A reasonable accommodation does not include access to a restroom or changing facility that is designated for use by members of the opposite sex while persons of the opposite sex are present or could be present;

(3) "Restroom" means a facility that includes one (1) or more toilets or urinals; and

(4) "Sex" means a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth. Evidence of a person's biological sex includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate.

SECTION 4.

(a) A public school shall provide a reasonable accommodation to a person who:

(1) For any reason, is unwilling or unable to use a multi-occupancy restroom or changing facility designated for the person's sex and located within a public school building, or multi-occupancy sleeping quarters while attending a public school-sponsored activity; and

(2) Provides a written request for a reasonable accommodation to the public school.

(b) This section does not prohibit public schools from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act, (42 U.S.C. § 12101 et seq.), or young children in need of physical assistance when using restrooms or changing facilities located in public schools.

SECTION 5.

(a) A person whose written request for a reasonable accommodation is denied by the public school has a private right of action against the public school unless the public school can demonstrate that accommodation causes an undue hardship.

(b) A person has a private right of action when the person has given written notice in accordance with Section 4, but the person:

(1) Later encounters a person of the opposite sex in a multi-occupancy restroom or changing facility designated for the person's sex and located in a public school building; or

(2) Is required by the public school to share sleeping quarters with the opposite sex, unless the persons are members of the same family.

(c) A person claiming a right of action pursuant to this section may bring suit in the chancery court in the county where the claim arose.

(d) A civil action brought pursuant to this section must be initiated within two (2) years of the date on which the claim arose.

(e) A person aggrieved under this section who prevails in court may recover monetary damages for all psychological, emotional, and physical harm suffered. A person who prevails on a claim brought pursuant to this section is entitled to recover reasonable attorney fees and costs.

(f) This section does not limit other remedies at law or equity available to the aggrieved person against the public school.

SECTION 6. This act takes effect July 1, 2021, the public welfare requiring it, and applies to private rights of action accruing on or after July 1, 2021.