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SENATE BILL 1989

By Rose

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6; Title 37, Chapter 1 and Title 39, Chapter 15, relative to children.

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) A parent's or legal guardian's action of raising, guiding, or instructing the parent's or legal guardian's child consistent with the child's biological sex, including, but not limited to, referring to the child by titles or pronouns consistent with the child's biological sex, or making mental health or medical decisions based on the child's biological sex, including, but not limited to, consenting to any lawful medical or mental health service to assist the child in living consistent with the child's biological sex and declining any medical or mental health service for the purpose of gender transition, must not be a basis for:

(1) A finding of abuse or severe child abuse;

(2) Determining that a child is a dependent and neglected child;

(3) Taking a child into custody pursuant to § 37-1-113;

(4) A child to be detained or placed in shelter care pursuant to § 37-1-114 or § 37-1-116;

(5) A determination by a court that a child is in need of immediate protection or that a child should be removed from the custody of the child's parent, guardian, legal custodian, or the person who physically possesses or controls the child pursuant to § 37-1-117(b)(1);

(6) A petition pursuant to § 37-1-120;

(7) A court to order an assessment pursuant to § 37-1-128(b);

(8) A disposition pursuant to § 37-1-130;

(9) Termination of parental rights under § 37-1-147; or

(10) Committing a child to the temporary legal custody of the department of children's services pursuant to § 37-1-175.

(b) This section does not authorize or allow any other acts or omissions prohibited by law that would constitute abuse of a child, severe child abuse, or a dependent and neglected child, as defined in § 37-1-102.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) A child's disagreement with a parent's or legal guardian's decision to raise, guide, or instruct the child consistent with the child's biological sex, including, but not limited to, referring to the child by titles or pronouns consistent with the child's biological sex, or making mental health or medical decisions based on the child's biological sex, including, but not limited to, consenting to any lawful medical or mental health service to assist the child in living consistent with the child's biological sex and declining any medical or mental health service for the purpose of gender transition, must not be a basis for:

(1) Determining that the child is an unruly child, as defined in § 37-1-102, unless such disposition is requested by the parent or legal guardian in question;

(2) A disposition by a court pursuant to § 37-1-132, unless such disposition is requested by the parent or guardian in question; or

(3) An order pursuant to § 37-1-174.

(b) This section does not authorize or allow any other acts or omissions prohibited by this part or any other law that would meet the definition of an unruly child under § 37-1-102.

SECTION 3. Tennessee Code Annotated, Section 39-15-401, is amended by adding the following as a new subsection:

( )

(1) A parent or legal guardian of a child under eighteen (18) years of age, or any other person providing care to or supervision of the child, does not commit a violation of this section or § 39-15-402 by raising, guiding, or instructing the child consistent with the child's biological sex, including, but not limited to, referring to the child by titles or pronouns consistent with the child's biological sex or making mental health or medical decisions based on the child's biological sex, including, but not limited to, consenting to any lawful medical or mental health service to assist the child in living consistent with the child's biological sex and declining any medical or mental health service for the purpose of gender transition.

(2) This subsection ( ) does not authorize or allow any other act or omission that would constitute a violation under this section or § 39-15-402.

SECTION 4. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) In determining a custody arrangement under this chapter that is in the best interest of the child, the court shall not consider it a negative factor for a parent to raise, guide, or instruct or intend to raise, guide, or instruct a child consistent with the child's biological sex, including, but not limited to, referring to a child by titles or pronouns consistent with the child's biological sex or making mental health or medical decisions

based on the child's biological sex, including, but not limited to, consenting to any lawful medical or mental health service to assist the child in living consistent with the child's biological sex and declining any medical or mental health service for the purpose of gender transition.

(b) This section does not limit the court from considering any other factor relevant to determining what custody arrangement is in the best interest of the child, as provided for by law.

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