



**SISTERREACH LEGISLATIVE REPORT 2022:**  
**Highlight and Commentary on the 112th Tennessee Legislative Session**



## *Introduction:*

SisterReach makes it a priority to remain informed about legislation proposed by elected officials which will affect people across the State of Tennessee, particularly marginalized people.

Despite the unstable impact of COVID-19, we continue to track laws and engage with lawmakers to work towards change and liberation in our communities. SisterReach's 2022 Legislative Session Report is a resource provided to the community to inspire, educate, and empower people to use this knowledge and advocate for themselves to their lawmakers.

The bills and laws in this report are not an exhaustive list of legislation from the 112th Session but rather the most concerning or promising, with a focus on those bills that would have the greatest impact on women and teens of color, gender non-conforming people, LGBTQIA+ people, poor and rural women and individuals, and their families.

# About SisterReach?

SisterReach, founded October 2011, is a Memphis, TN based grassroots 501c3 non-profit supporting the reproductive autonomy of women and teens of color, poor and rural women, LGBTQIA+ people and their families through the framework of Reproductive Justice. We work from a 4-pronged strategy of **education, policy & advocacy, culture shift** and **harm reduction**. Our work spans the local, regional, national, and international levels. Our mission is to empower our base to lead healthy lives, raise healthy families and live in healthy and sustainable communities.

We also strive to heighten awareness about the issues that impact the people we serve among policymakers, medical providers, educators, social justice advocates, other advocacy organizations, and community leaders, etc. whose missions and agendas impact the people we serve. Since our founding, the Reproductive Justice framework has been adopted and implemented among aligned stakeholders and community members across the state and southeast region. We are proud that our work is making a difference and that lives are being changed as a result of it.

**WE ARE THE PEOPLE WE SERVE!**

## OUR POLICY AGENDA:

### Reproductive Health & Health Care Justice

Disability Justice | Mental Health | Maternal Health | Health Care Reform | Anti-Sterilization

### Economic Justice

Living Wage | Pay Equity | Pregnancy Discrimination

### Reproductive Rights

Contraception Access Coercion | Comprehensive Sexuality Education | Abortion Access

### Religious Exemptions

Birth Control Access Discrimination | Voter I.D. Marriage Equality | Personal Belief Exemptions

### Criminal Justice Reform

Mass Incarceration | Police Sanctioned Violence | Adequate Council | HIV Criminalization | Sex Worker Discrimination

### Environmental Justice

Clean Water | Clean Air | Food Apartheid | Birth Justice

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## WHAT IS DEEP SOUTH POLICY NETWORK?

The **Deep South Policy Network** is a southeast based regional initiative led by SisterReach, state partners, and residents in AL, AR, KY, MS, and TN. Our goal is to assist in education sharing and engagement among Black residents in the South using the lens and organizing model of the Reproductive Justice framework. We work with our state-based partners and individuals to offer education, advocacy and messaging strategy, and all state partners participate in our Black Folks Day on the Hill action annually.

## WHAT IS BLACK FOLKS DAY ON THE HILL?

**Black Folks Day on the Hill** is an annual event of the Deep South Policy Network. Black residents from our partnering states take the hill once a year to educate legislators about public policy that impacts their lives, families, and communities. Proposed and passed legislation places Black communities at greater risk of being further abused, underfunded, and marginalized. This initiative of SisterReach and our coalition partners uses the proven tactic of legislative visits to allow constituents to directly articulate their concerns on policies to their elected officials.

## *Executive Summary*

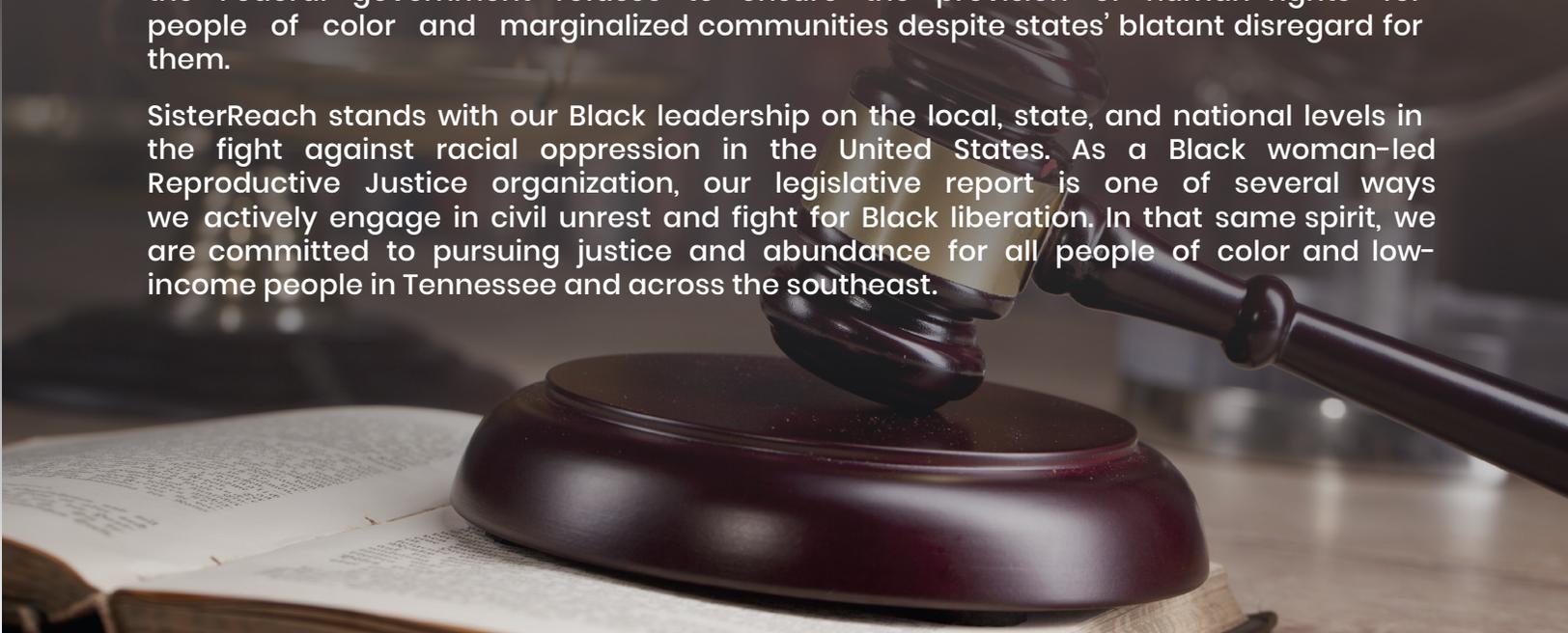
In the midst of a global pandemic and a racial uprising, SisterReach strives to maintain our connection to legislation that directly impacts you and your communities. These trying times have been used by conservative law makers to pass harmful laws that will have negative impacts on women, youth, low-income communities, communities of color, and LGBTQIA+ people.

COVID-19 has highlighted the disproportionate treatment already faced by marginalized communities. We witnessed a lackluster response in keeping Tennesseans safe during this growing global pandemic as death tolls in Tennessee and the United States rise instead of fall. Governor Lee's State of Emergency report was weaponized to limit access to abortion care, weaponize civil servants against LGBTQIA + identified persons, and create deeper barriers for healthcare access among other issues in Tennessee. COVID-19 also created opportunities for conservative legislators, led by Governor Lee, to increase voter disenfranchisement by not allowing Tennesseans to vote by mail during COVID-19, including the Tennessee Supreme Court ruling that Tennessee does not have to allow citizens to vote absentee due to the pandemic. Tennessee continues to push back against the ruling and is currently awaiting a ruling on its appeal to the judgement.

The 2022 Legislative Session saw a continued unwillingness by conservative legislators to expand Medicaid and provide care for the millions of Tennesseans without healthcare during the pandemic. In late 2019, the Tennessee government tried to push a law that would convert TennCare to a block grant. A block grant would mean that Tennessee would receive a finite amount of money from the federal government for Medicaid funding and would encourage Medicaid budget cuts by the State that would leave even more Tennesseans without insurance coverage.

Due to overwhelmingly negative public comments, submitted by individuals and organizations against the block grant, the Tennessee government has put its push for a block grant on hold. Conservative legislators have used one of the most perilous times in American history, on when our communities are most vulnerable and dying due to poverty, state sanctioned violence, and COVID-19, to pass some of the most harmful bills in the history of the Tennessee General Assembly. Furthermore, by refusing to support federal legislation, such as the John R. Lewis Voting Rights Advancement Act and the Women's Health Protection Act, the Federal government refuses to ensure the provision of human rights for people of color and marginalized communities despite states' blatant disregard for them.

SisterReach stands with our Black leadership on the local, state, and national levels in the fight against racial oppression in the United States. As a Black woman-led Reproductive Justice organization, our legislative report is one of several ways we actively engage in civil unrest and fight for Black liberation. In that same spirit, we are committed to pursuing justice and abundance for all people of color and low-income people in Tennessee and across the southeast.



## INTRODUCTION

The 112th Tennessee Legislative Session began in January 2021 and ended, later than previous sessions, in May of 2022, punctuated by three extraordinary Sessions. A record-breaking number of bills were introduced this session. In our 2022 Legislative Report, we will give you a brief explanation of the bills we deem most important for our followers and supporters to be informed of and arm you with a summary of what these bills mean in the context of your daily lives.

We kicked the 112th session off with our annual Black Folks Day on the Hill where community members engaged with State Legislators to have important discussions about bills passed into law in previous sessions as well as pending legislation and the impact it would have on our communities if passed. Below are highlights and summaries of the bills we discussed during our Black Folks Day on the Hill accompanied by a few additional bills that were introduced after Black Folks Day on the Hill and imperative to our work.

## REPRODUCTIVE HEALTH AND HEALTH CARE JUSTICE

### Support

#### **HB1168/SB1388**

*Sponsor(s): Representative Harris and Senator Kyle*

*Status: House: Effective date(s) 7/1/2021 (5/4/21); Senate: Comp. became Pub. Ch. 235 (5/4/21)*

*Summary:* This bill prohibits a court from solely considering a parent's disability to determine custody or in a termination of parental rights proceeding unless it impacts the parent's ability to meet the needs of the child. Parents with disabilities should be allowed to raise their children without the disabilities being criminalized.

*Reproductive Justice (RJ) Analysis:* A core principle of the reproductive justice framework includes an individual's right to parent. This includes parents who navigate a disability which should not disqualify them from parenting their children and does not presuppose that because an individual has a known disability, they should be refused their sacred and parental rights to parent their child(ren).

#### **HB2875/SB2769**

*Sponsor(s): Representative Camper and Senator Akbari*

*Status: House: Signed by Governor. (5/5/22); Senate: Sponsor(s) Added. (4/22/22)*

*Summary:* This bill prohibits a corrections official from using restraints on a prisoner or detainee known to be pregnant during labor, transport to a medical facility, delivery, and postpartum unless the corrections official makes an individualized determination that the prisoner or detainee presents an extraordinary circumstance and establishes other restrictions on the way a pregnant prisoner or detainee may be restrained under certain circumstances.

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*RJ Analysis:* Pregnant and birthing individuals who are incarcerated deserve to be treated with human decency and respect. It is not only inhumane but also dangerous to restrain pregnant and birthing individuals. Restraints during pregnancy and birth create additional risks for both the birthing person and the child as well as detract from the birthing individual's humanity and comfort during one of the most volatile medical scenarios an individual can endure in the medical setting.

### **HB2109/SB2150**

*Sponsor(s): Representative Love and Senator Lamar*

*Status: House: Sponsor added (4/27/22); Senate: Passed H., Ayes 77, Nays 13, PNVO (4/27/22)*

*Summary:* This bill requires that doula services be provided to recipients of TennCare and that the doula services be performed by a person who has received certification from the department of health.

*RJ Analysis:* Affordability should not be an issue when considering the type of care a pregnant individual can receive. Doulas bring a unique skill set to pregnancy experience, especially when the parent is at high risk or may become high risk due to their pregnancy. Doulas are necessary to maternal health and wellness, and to those who choose to utilize them and their services should not only be offered to those with the means to afford them. Healthcare should never be elitist, but always accessible.

### **HB2290/SB2185**

*Sponsor(s): Representative Gant and Senator Walley*

*Status: House: Def. to Summer Study in Health Subcommittee; Senate: Assigned to General Subcommittee of Senate Health and Welfare Committee (3/23/22)*

*Summary:* This bill enacts the 'Patient Right to an Advocate Act,' which prohibits a healthcare institution from restricting a patient from having at least one advocate, selected solely by the patient, present with the patient at all times during the patient's stay in the healthcare institution to assist the patient in making healthcare decisions.

*RJ Analysis:* A patient's right to have an advocate present if they choose to do so is vital for provider monitoring, patient support, and especially when the patient's medical needs cause them to be unable to advocate for themselves. Person-centered care is a reproductive justice value and Black people, people of color, and elders are often more susceptible to maltreatment when an advocate is not present to support the patient.

## ECONOMIC JUSTICE

### Support

#### **HB797/SB550**

*Sponsor(s): Representative Chism and Senator Kyle*

*Status: House: Assigned to s/c Banking & Consumer Affairs Subcommittee; Senate: Failed in Senate Commerce and Labor Committee—no second.*

*Summary:* This bill increases, from \$7.25 to \$12, the minimum hourly wage for employees within the state.

*RJ Analysis:* People deserve to support themselves and their families regardless of where they work. Not only living, but living with a quality of life that is sustainable is a basic human right and it is impossible to live a bountiful life in an ever-increasing economic climate on such low wages. Low-income Tennesseans often are forced to work multiple jobs to provide for themselves and their families, which is an unsustainable and often impossible way to thrive.

#### **HB1579/SB808**

*Sponsor(s): Representative Camper and Senator Yarbro*

*Status: House: Taken off notice for cal in s/c K-12 Subcommittee of Education Administration (3/15/22); Senate: Assigned to General Subcommittee of Senate Education Committee (3/23/22)*

*Summary:* This bill Enacts the Adequate Funding Program for Education and revises funding for public education through the BEP (Basic Education Program), which is the funding formula through which state education dollars are generated and distributed to Tennessee schools.

*RJ Analysis:* Our kids deserve access to the best resources and increasing funding for public education increases access. Public schools, which are often attended by low-income youth and youth of color, require robust funding support for proper teaching and administrative capacity, instructional materials, and offers flexibility to support the needs of students with





varying social and learning deficits. A recent report in Shelby County reported that only 11% of Memphis youth were reading at grade-level. This is unacceptable. However, with proper funding, students will have the support they need to address literacy needs and other developmental skills.

### **HB204/SB136**

*Sponsor(s): Representative Camper and Senator Akbari*

*Status: House: Sponsor(s) Added. (4/18/22) Senate: Enrolled and ready for signatures (5/4/22)*

*Summary:* This bill prohibits discrimination based on protective hairstyles, including, but not limited to, braids, locs, and twists, excepting in cases of public safety and instances where it would prevent employees from performing essential functions of the job.

*RJ Analysis:* By prohibiting employment discrimination based on cultural, personal, and often, religious expression through one's hairstyle of choosing, this bill humanizes Black people, Black culture, and autonomy to show up as their full selves.

### **HB1330/SB1359**

*Sponsor(s): Representative Harris and Senator Campbell*

*Status: House: Sponsor(s) Added. (4/18/22) Senate: Enrolled and ready for signatures (5/4/22)*

*Summary:* This bill prevents employers from taking adverse action against certain job applicants and employees with regard to drug tests indicating the use of marijuana.

*RJ Analysis:* SisterReach supports an individual's right to work without employer discrimination or surveillance. Though this bill cannot truly prohibit the surveillance of employees who use recreational marijuana, it offers employees protection, the right to collect unemployment, and challenge termination practices based on their marijuana usage. Further, the bill is a model that should be adopted into other professional spaces, including the medical setting, where there is proven historical abuse of substance surveillance and criminalization.

## **Oppose**

### **HB2569/SB2440**

*Sponsor(s): Representative Ragan and Senator Bell*

*Status: House: Sponsor(s) Added. (4/18/22); Senate: Enrolled and ready for signatures (5/4/22)*

*Summary:* This bill prohibits the state from discriminating against, or granting preferential treatment to, an individual

group based on the individual's or group's race, sex, color, ethnicity, or national origin in the operation of any aspect of public employment, public education, or public contracting.

*RJ Analysis:* The marginalization of BIPOC communities is historical and continuous. Affirmative Action is an attempt to situate BIPOC communities to lead abundant and fulfilling lives as our white counterparts have and continue. Invalidating Affirmative Action with the "granting preferential treatment to" language, counteracts the protections of Affirmative Action and does not ensure accountability on the part of the state.

### **HB978/SB1610**

*Sponsor(s): Representative Williams and Senator Bailey*

*Status: House: Effective date(s) 07/01/2022 (5/6/22); Senate: Comp. became Pub. Ch. 986 (5/6/22)*

*Summary:* Creates a Class C misdemeanor offense, punishable by a \$50 fine and community service work, for camping along a controlled-access highway or entrance or exit ramp; expands Equal Access to Public Property Act of 2012, under which it is a Class E felony offense for a person to camp on property owned by the state knowing that the area on which the camping occurs is not specifically designated for use as a camping area, to apply the offense of unauthorized camping to all public property.

*RJ Analysis:* This policy criminalizes the unhoused and in doing so creates additional barriers for the homeless community by punishing the "crime," with fines. It is not likely that one can pay fines if he or she cannot afford a roof over his or her head. Furthermore, the additional requirement for community service adds an extra hurdle.

## **REPRODUCTIVE RIGHTS**

### **Support**

### **HB1506/SB646**

*Sponsor(s): Representative Sam McKenzie and Senator Katrina Robinson*

*Status: House: Assigned to s/c Education Instruction Subcommittee on 03/01/2021; Senate: Passed on Second Consideration, refer to Senate Education Committee on 02/11/2021*

*Summary:* As introduced, this bill would require each local education agency (LEA) and public charter school that serves any of the grades, kindergarten through 12th to provide students with medically accurate, age-appropriate sex education that teaches students about abstinence, contraception, consent, and how to develop healthy relationships and communication skills.

*RJ Analysis:* Currently, schools in Tennessee utilize an "abstinence centered" "family life curriculum" which is not required to include gender orientation or identity components. We find this approach to be incomplete and inadequate with respect to addressing the complex issues surrounding informed, consensual sexual behaviors as well as the potential repercussions of engaging in the same. We support intersectional, inclusive, and comprehensive sexual education.

### **HB642/SB956**

*Sponsor(s): Representative London Lamar and Senator Jeff Yarbro*

*Status: House: Def. to Summer Study in Health Subcommittee on 03/30/2021; Senate: Assigned to General Subcommittee of Senate Health and Welfare Committee on 3/31/21*

*Summary:* As introduced, this bill requires the Department of Health to create an evidence-based implicit bias training program for healthcare professionals related to maternal and infant mortality; requires the department to collect certain data; and establishes a perinatal patient bill of rights.

*RJ Analysis:* It is finally being recognized that there is a significant Black maternal health crisis, and we welcome the attention to this plight. We support inquiries into the underlying causes of disproportionate care to outline solutions, as well as codifying a patient's rights at all stages of the maternal process.

## **Oppose**

### **HB2416/SB228**

*Sponsor(s): Representative Debra Moody and Senator Mike Bell*

*Status: Signed by Governor 5/5/2022.*

*Summary:* Defines an "unborn child" as beginning at fertilization; increases requirements that a physician must complete prior to prescribing abortifacients including an in-person exam, informing the patient that they may see the "remains of the unborn child in the process," schedule a follow-up, and prohibits courier, delivery, or mail service of the drug, under penalty of the potential of a Class E felony and possible fine of \$50,000, and creates civil causes of action.

*RJ Analysis:* Medical abortions have been demonstrated to be safe and effective ways of terminating pregnancies, as well as necessary medical procedures to facilitate completion of naturally occurring miscarriages. We are strongly opposed to placing barriers on healthcare, including, but not limited to, threats of incarceration and fines on providers.

### **HB2779/SB2582**

*Sponsor(s): Representative Rebecca Alexander and Senator Mark Pody*

*Status: House: Taken off notice for cal. in Health Committee (4/6/22); Senate: Action deferred in Senate Judiciary Committee to 3/30/22 (3/29/22)*

*Summary:* Filed as an amendment to the originally captioned bill, this proposed legislation created a lay civil cause of action against abortion and support services providers with a statutory award of at least \$10,000 per act, created a six (6) year statute of limitations, defined pregnancy as beginning at fertilization, and eliminated patient consent to the procedure as a defense.

*RJ Analysis:* One of the fundamental rights we have is autonomy, which includes the freedom to make an informed and uncoerced decision about one's body and health. It is abhorrent that this autonomy is being stripped away by providing for lawsuits and bounties irrespective of the patient's needs, choices, or decisions as it relates to their own health. We are opposed to any interference, coercion, or threats that remove accessibility and weaponize healthcare options.

## **HB724/SB204**

*Sponsor(s): Representative Jason Powell and Senator Mark Pody*

*Status: House: Assigned to s/c Health Subcommittee on 2/20/21; Senate: Assigned to General Subcommittee of Senate Judiciary Committee on 2/15/2022*

*Summary:* This bill prohibits abortions from the point a fetal heartbeat is detected; Enacts the Rule of Life Act. Most women will not qualify for an abortion under this law, generally will not find out they are pregnant until after the six-week mark and at that time, cardiac activity will be detectable. This bill defines “viable” solely on the basis of heartbeat.

*RJ Analysis:* This bill completely disregards and discards any consideration concerning a mother’s mental health status, including if she is suicidal. This bill strips away and usurps the authority of a licensing agency and steps in automatically to revoke the license, even if the provider has not been charged or convicted.

## **HB1079/SB494**

*Sponsor(s): Representative Jerry Sexton and Senator Mark Pody*

*Status: House: Taken off notice for cal in s/c Children & Family Affairs Subcommittee of Civil Justice Committee; Senate: Assigned to General Subcommittee of Senate Judiciary Committee on 2/25/22*

*Summary:* A husband of a pregnant woman or putative father (when filed simultaneously with a one-sided paternity acknowledgment that does not require DNA evidence) may petition a court to prevent a woman from having an abortion.

*RJ Analysis:* This bill promotes inter-partner abuse, sexual trauma of the victim, and further perpetuates reproductive coercion. This bill also continues an outdated ideology that a woman and child are property interests of a man.

## **RELIGIOUS EXEMPTIONS**

### **Support**

## **SJR55**

*Sponsor(s): Senator Mark Pody*

*Status: House: Concurred 4/27/22; Senate: Adopted 4/8/2021*

*Summary:* The resolution seeks to amend the Tennessee Constitution and remove the provision that “no minister of the gospel, or priest of any denomination whatsoever, shall be eligible to a seat in either house of the legislature.”

*RJ Analysis:* We support the freedom to exercise one’s theology and simultaneously serve the people in the General Assembly, as long as this freedom is afforded to all clergy of all denominations.

## **HB1324/SB974**

*Sponsor(s): Representative G.A. Hardaway and Senator Sara Kyle*

*Status: House: Returned to the Clerk's Desk. (3/30/22); Senate: Assigned to General Subcommittee of Senate State and Local Government Committee (4/13/21)*

*Summary:* Generally, authorizes the use of an identification card issued by an accredited institution of higher education in this state for purposes of voter identification at a polling place; requires the Secretary of State to conduct studies on such use and file reports regarding such use.

*RJ Analysis:* We support removing barriers to voting access. College students may not have a form of ID such as a driver's license, so this would afford them an alternative opportunity to register to vote.

### **HB561/SB18**

*Sponsor(s): Representative Vincent Dixie and Senator Brenda Gilmore*

*Status: House: Sponsor(s) Added. (3/9/22); Senate: Deferred to Summer Study (3/23/22)*

*Summary:* As introduced, changes the revocation of a person's voting rights pursuant to a conviction for certain infamous crimes to a temporary suspension of voting rights for the period of confinement, probation, or parole; automatically restores a person's voting rights upon release from confinement, probation, or parole.

*RJ Analysis:* This bill removes barriers to voting or accessing the system to reinstate one's voting rights. Currently, there are challenges to reinstating one's right to vote after successful rehabilitation and we support streamlining the process to allow for a dignified return to society.

## **Oppose**

### **HB233/SB562**

*Sponsor(s): Representative Tom Leatherwood and Senator Janice Bowling*

*Status: House: Def. to Summer Study in Civil Justice Committee/Sponsor(s) withdrawn on 4/13/2022; Senate: Senate adopted Amendment 3-SA0926 on 4/27/2022*

*Summary:* The original proposed legislation created a "common law" marriage status for cisgender heterosexual couples and omitted a minimum age requirement. An amendment later supplemented the age minimum to 18, but still excluded same-sex marriage, in violation of Obergefell v. Hodges, a 2015 Supreme Court opinion.

*RJ Analysis:* This bill is indicative of an extreme push from a place of hate to exclude LGBTQ2+ to the point of neglecting to see collateral consequences of the bill. Sponsors were so engaged in their desire to support only cisgender heterosexual persons that they failed to exercise oversight with respect to making sure that the bill itself was not flawed, hence the "child bride" uproar. We are opposed to marriage discrimination on the basis of gender identity.

### **HJR 150 and HJR752**

*Sponsor(s): Representative Jerry Sexton*

*Status: House: Placed on regular calendar for 3/28/2022*

*RJ Analysis:* We are opposed because freedom of religion does not specify a particular religion. The insistence to make the Christian bible the only religious writ that Tennessee supports and is an affront to other religious constituents whose holy writ is equally, if not more important to them.

### **HB7001/SB7022 and HB2310/SB2023**

*Sponsor(s):* (1) Representative Bruce Griffey and Senator Mark Pody; (2) Representative Bruce Griffey and Senator Joey Hensley

*Status:* (1) House: Def. to Summer Study in Finance Tax of Extraordinary Session on 1/21/21; Senate: Passed on Second Consideration, refer to Senate Education Committee on 1/21/21; (2) House: Failed in Commerce Committee on 3/8/22; Senate: Assigned to General Subcommittee of Senate Commerce and Labor Committee on 3/8/2022

*Summary:* These bills would impose a fee on monetary transactions that send money from the state to a location outside the US or its territories.

*RJ Analysis:* This legislation disproportionately impacts migrant workers that are wanting to support their families remaining in their country of origin. There is absolutely no valid reason provided for the passage of this bill, and clearly, as further detailed in the summary, it is seeking to target undocumented migrants by creating exceptions to those with a Tennessee State ID, military members, or those with a SSN/TIN.

### **HB1177/SB1238**

*Sponsor(s):* Representative Jerry Sexton and Senator Mark Pody

*Status:* House: Assigned to s/c Criminal Justice Subcommittee on 02/24/2021; Senate: Passed on Second Consideration, refer to Senate Judiciary Committee on 2/22/21

*Summary:* This bill expands the original right to privacy in bathroom to include the definition of a person's sex.

*RJ Analysis:* This is a bill that is framed as a right to privacy in a bathroom but is transphobic and discriminatory in that it identifies an individual's sex as that which is on their birth certificate. It creates the potential for hate crimes and violence against queer persons, especially for those who present more androgynous, gender non-conforming, masculine, or feminine.

## **CRIMINAL JUSTICE REFORM**

### **Support**

### **HB1214/SB1165**

*Sponsor(s):* Representative Ramsey and Senator Massey

*Status:* House: Comp. SB subst. and Sponsor(s) Added. (4/21/22); Senate: Re-ref. Calendar & Rules Committee (4/21/22)

*Summary:* Amendment #1 to this bill rewrites the bill and removes the offense of criminal exposure to HIV from the list of violent sexual offenses, the conviction for which requires registering as a sex offender.

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*RJ Analysis:* Criminalizing one for engaging in consensual sex simply because he or she is HIV positive and the requirement to register as a violent sex offender strips those diagnosed with HIV of their privacy and places unnecessary obstacles in their way for the rest of their lives. Removing this offense from the requirement to register will restore dignity and humanity to the lives of those living with HIV.

**HB2799/SB2652**

*Sponsor(s): Representative Miller and Senator Gilmore*

*Status: House: Taken off notice for cal in s/c Criminal Justice Subcommittee of Criminal Justice Committee (4/6/22); Senate: Assigned to General Subcommittee of Senate Judiciary Committee (3/22/22)*

*Summary:* This bill increases the age at which a juvenile can be transferred to criminal court and tried for a criminal offense as an adult to 17 years of age for any offense.

*RJ Analysis:* Additional protections are necessary for children who are being considered to be prosecuted as adults. Juveniles should be afforded different procedural and substantive protections during their rehabilitation, so they are able to reach adulthood.

**HB0223/SB1418**

*Sponsor(s): Representative Chism and Senator Akbari*

*Status: House: Assigned to s/c Corrections Subcommittee (2/10/21); Senate: Assigned to General Subcommittee of Senate Judiciary Committee (4/12/21)*

*Summary:* This bill enacts the ‘Juvenile Justice Stop Solitary Confinement Act,’ which prohibits juvenile detention facilities from placing any juvenile offender in solitary confinement, except in accordance with the following guidelines:

(1) Solitary confinement must not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety of any other juvenile, inmate, or staff; (2) Solitary confinement must not be used for the purposes of coercion, convenience, or retaliation by staff; and (3) A juvenile detention facility may place a juvenile offender who presents a serious security risk or an imminent threat to the safety of another in solitary confinement, without a hearing, for a period of 22 hours or less; provided, that if an administrative hearing is conducted after the initial solitary confinement period, and the juvenile offender is still found to present a serious security risk or imminent threat to the safety of another, the juvenile detention facility may order the juvenile offender to be placed in solitary confinement for no more than an additional seven days, at a maximum of 22 hours per day.

*RJ Analysis:* Solitary confinement qualifies as cruel and unusual punishment for any person, and even more so for OUR youth – Black and Brown youth. Given the disproportionate amount of Black and Brown juveniles in the system, it follows that they will also be disproportionately affected by and punished with solitary confinement.

**HB1526/SB2446**

*Sponsor(s): Representative Crawford and Senator Lundberg*

*Status: House Sponsor(s) Added (3/17/21); Senate: Sponsor(s) Added (3/2/22)*

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*Summary:* This bill, also known as ‘The Gabby Act,’ Creates a task force within the Tennessee Bureau of Investigation for domestic violence and child abuse.

*RJ Analysis:* We support this if there are community advocates and survivors as part of this task force, and the community advocates and survivors are compensated for their time. Reproductive Justice amplifies the voices of those with lived experiences.

**HB0916/SB0827**

*Sponsor(s): Representative Chism and Senator Yarbro*

*Status: House: Sponsor(s) Added (4/25/22); Senate: Signed by Governor (5/11/2022)*

*Summary:* Prohibits the use of solitary confinement for pregnant inmates and inmates who have given birth within the past eight weeks; prohibits transfer of a pregnant inmate from a jail to a state penitentiary or branch of a prison for safekeeping unless medically necessary.

*RJ Analysis:* It is proven that solitary confinement is harmful to non-threatening inmates regardless of their offense. Absent a risk to the inmate’s safety by another inmate, we see no reason a pregnant person would be placed in solitary confinement.

**HB2036/SB1967**

*Sponsor(s): Representative Harris and Senator Kyle*

*Status: Taken off notice for cal in s/c Corrections Subcommittee of State Government Committee (3/1/22); Senate: Assigned to General Subcommittee of Senate Commerce and Labor Committee (3/15/22)*

*Summary:* Prohibits a private or state or local governmental entity from charging an inmate a copayment, coinsurance, or similar charge for on-site medical care from a physician, dentist, or medical care provider.

*RJ Analysis:* Healthcare is a human right for every American. Incarcerated individuals should not be denied medical care based on incarceration. Furthermore, due to an inmate’s inability to receive a living wage because of their incarceration status, they literally have no other options for care.

**HB0863/SB1485**

*Sponsor(s): Representative Chism and Senator Akbari*

*Status: House: Assigned to s/c Criminal Justice Subcommittee; Senate: Assigned to General Subcommittee of Senate Judiciary Committee*

*Summary:* Prohibits a court from issuing or a law enforcement officer from serving a no-knock search or arrest warrant; defines a no-knock warrant as a warrant that specifically enables an officer to enter a structure without giving notice of the officer’s authority or the purpose of the officer’s presence.

*RJ Analysis:* This is a violation of people’s human right to privacy. There have been too many instances where this type of actin has harmed innocent people within the home, and there are also instances where mentally disabled people have been unjustifiably harmed.

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Law enforcement gets it wrong sometimes and citizens should not pay the price for the mistakes of law enforcement.

### **HB1480/SB1480**

*Sponsor(s): Representative Parkinson and Senator Akbari*

*Status: House: Taken off notice for cal. in Criminal Justice Committee (4/14/21); Senate: Failed in Senate Judiciary Committee (4/13/21)*

*Summary:* Increases the amount of marijuana possessed or exchanged under the offenses of simple possession or casual exchange from less than one-half ounce to less than one ounce; prohibits the inference of purpose of selling or otherwise dispensing solely from the simple possession or casual exchange of less than one ounce of marijuana.

*RJ Analysis:* Black people and people of color are disproportionately impacted by marijuana possession charges. This bill would allow for any criminal charges, as the result of marijuana possession, to carry a lesser penalty. This measure will not remedy past discriminatory effects of policies around marijuana, but it will reduce the future discriminatory effects.

### **HB1319/SB0965**

*Sponsor(s): Representative Hardaway and Senator Gilmore*

*Status: House: Comp. became Pub. Ch. 358 (5/18/21); Senate: Effective date(s) 07/01/2021 (5/18/21)*

*Summary:* This bill requires a judge to notify, if practicable, a defendant at the time of sentencing if the conviction is for an expungable offense and the time period after which a petition to expunge may be filed; requires the administrative office of the courts to provide judges handling criminal matters with reference documents containing certain information.

*RJ Analysis:* Access is a major issue in Black and Brown communities. Lack of access to information, lack of access to education, and lack of access to resources all prevent people from making informed decisions as it pertains to their lives. Once convicted, many people are not aware that the crimes they were convicted of are eligible for expunction and/or how to go about getting them expunged. Not only will this policy educate those convicted of expungable crimes, but by doing so it will also give them access to the information necessary to make informed and autonomous decisions about their lives.

### **HB1438/SB1486**

*Sponsor(s): Representative Lamar and Senator Akbari*

*Status: House: Def. to Summer Study in Criminal Justice Subcommittee (3/30/22); Senate: Passed on Second Consideration, refer to Senate Judiciary Committee (3/29/22)*

*Summary:* This bill requires a court to issue an order of expunction after a person completes the sentence imposed for any misdemeanor or Class C, D, or E felony that was nonviolent and was not a sexual offense.

*RJ Analysis:* People are not the offenses they commit, and they should not be defined by them. Our justice system was allegedly created to prevent crimes and to rehabilitate those

who have committed crimes, but there is no opportunity for true rehabilitation without a clean slate after time served. It is the state's obligation to ensure that ex-offenders have a chance to experience the full benefits of life, after time served.

### **HB221/SB1475**

*Sponsor(s): Representative Chism and Senator Akbari*

*Status: House: Def. to Summer Study in Criminal Justice Subcommittee 94/14/21); Senate: Passed on Second Consideration, refer to Senate Judiciary Committee (2/22/21)*

*Summary:* This policy requires a court to grant judicial diversion for possession of less than one ounce of marijuana, regardless of a defendant's prior criminal convictions.

*RJ Analysis:* Before criminalization, marijuana was used in modern day medicine. Now the illegality of marijuana possession varies state by state. What is undeniable, however, is the alarming disparity in incarceration rates of individuals by race for possession. Black and Brown people are four times more likely than White people to be arrested for possession of marijuana. The legal system has not only failed to recognize marijuana as a former patented medicine but provide any rationale behind its criminalization. It is one drug that has not caused any overdoses or deaths. Over the years, the possession of marijuana has led to pretext stops and justifiable racial profiling. Addiction is not criminal and should not be treated with such severity. Currently in Tennessee, if someone is found in possession of marijuana, they may be sentenced up to nearly a year in prison for simple possession. With the creation of a judicial diversion penalty, we can treat substance abuse as if it should be a healthcare crisis.

### **Oppose**

### **HB1047/SB717**

*Sponsor(s): Representative C. Sexton and Lieutenant Governor McNally*

*Status: House: Effective date(s) 07/01/2021 (6/2/21); Senate: Comp. became Pub. Ch. 563 (6/2/21)*

*Summary:* This bill enumerates certain offenses (including but not limited to prostitution, solicitation, and public exposure for which the individual is not eligible for early release and must serve 100% of their sentence.

*RJ Analysis:* This bill does not make exceptions for youth offenses that will change the trajectory of their adult lives and ability to go to college and work. This bill also impacts sex workers who are consenting adults and engage in consensual sex among adults. Prostitution is not the same as sexual assault and should not be managed like it is.

## ENVIRONMENTAL JUSTICE

### Support

#### **(1) HB1071/SB1107 and (2) HB1154/SB909**

*Sponsor(s): (1) Representative Vincent Dixie and Senator Jeff Yarbrow; (2) Representative William Lamberth, and Senator Jack Johnson*

*Status: (1) House: Returned to the Clerk's Desk (4/26/2022); Senate: Assigned to General Subcommittee of Senate Finance, Ways, and Means Committee; (2) Became law Pub. Ch. 456 on 5/19/2021, effective 7/1/21*

*Summary: (1) This was an attempt to suspend sales tax on food/ingredients from May–October of 2021. While this was ultimately unsuccessful, the Governor included a similar provision in his budget for a thirty (30) day reprieve from grocery tax, likely to be implemented in August 2022. (2) Sales tax holiday July 30–August 5, 2021, and released funds from THEC (Tennessee Higher Education Commission—which was not currently in operation to be used for other purposes.*

*RJ Analysis: The pandemic, inflation, and the economy have been difficult to navigate for individuals and families when it comes to finances, as well as supply chain issues and shortages. We support removing barriers to essentials and eliminating food apartheid.*

#### **HB1765/SB1844**

*Sponsor(s): Representative Antonio Parkinson and Senator Bo Watson*

*Status: Became law Pub. Ch. 805 effective 7/1/2022*

*Summary: A charitable organization registered with the Secretary of State that provides food, housing, or shelter from adverse weather is not liable for loss, damages, injury, or death resulting unless the organization has been grossly negligent or wanton and willful in misconduct.*

*RJ Analysis: We support organizations that provide essential services and resources to members in the community without having fear of frivolous lawsuits.*

#### **HB815/SB674**

*Sponsor(s): Representative John Ray Clemmons and Senator Sara Kyle*

*Status: House: Taken off notice for call in s/c K-12 Subcommittee of Education Administration on 02/01/2022; Senate: Passed on second Consideration, refer to Senate Education Committee on 02/11/2021*

*Summary: Prohibits a school from taking certain actions against a student who cannot pay for a meal, or who has accumulated a meal debt; requires a school to provide a United States Department of Agriculture reimbursable meal to each student who requests one; requires a school to assist parents and guardians with obtaining free or reduced-price meals for the parent's or guardian's eligible student.*

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*RJ Analysis:* One of the core tenets of Reproductive Justice is the right to parent a child in safe and healthy environments. No child should endure shame and trauma associated with hunger or not being able to afford adequate nutrition. We believe in removing barriers to access resources, supporting families in the community, and ensuring that children have the nutrition they need to be healthy.

### **HB807/SB715**

*Sponsor(s): Representative Jason Powell and Senator Brenda Gilmore*

*Status: House: Taken off notice for cal in s/cHealth Subcommittee of Health Committee on 03/30/2021; Senate: Assigned to General Subcommittee of Senate Health and Welfare Committee on 03/31/2021*

*Summary:* Requires the Department of Human Services to promulgate rules to phase out Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) asset limits over a four-year period.

*RJ Analysis:* This bill took into account that the limits set by TANF and SNAP are barriers to needy families, especially considering the pandemic, inflation, the economy, and the current minimum wage.

### **HB142/SB751**

*Sponsor(s): Representative William Lamberth and Senator Jack Johnson*

*Status: Signed by Governor on 5/25/2021*

*Summary:* This bill included a provision to protect the privacy of individuals that applied for support by making it a misdemeanor to make any records investigated public, notwithstanding any outcomes that required disclosure with respect to prosecution. It also increased the felony fine penalty from \$2,500 to \$10,000 when the offense is committed by means of a willfully false impersonation, assumption of a false identity, or presentation of a false identification. TANF qualifications were expanded. The bill replaces the current participating members in a Families First Council and establishes a Families First Community Advisory with minimum meeting requirements; DHS (Department of Human Services) is required to publish the agenda and meeting minutes. DHS is also required to implement a two (2) year pilot program which provides an optional alternative with enhanced educational support services or cash assistance for families with a member actively pursuing educational advancement.

*RJ Analysis:* We support maintaining the privacy of those that seek out assistance for their families, as well as expanding coverage. We appreciate the transparency and oversight collaboration between the Families First Community Advisory and DHS in publishing their meetings. Finally, we support the pilot program in that it offers a choice to families in need of assistance that are furthering their education, and providing them the option to select the services that best suit their family's needs.

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## **HB46/SB1410**

*Sponsor(s): Representative London Lamar and Senator Raumesh Akbari*

*Status: House: Returned to the Clerk's Desk on 04/06/2021; Senate: Action deferred in Senate Education Committee to second calendar of 2022 on 04/07/2021*

*Summary:* This bill requires the Department of Education, instead of local boards of education, to develop a water testing program to reduce potential lead contamination in drinking water in public schools; requires childcare programs to implement the water testing program required for public schools; changes, from 20 to 15 parts per billion, the lead level at which a school or childcare program is required to take certain protective and remedial steps under the program.

*RJ Analysis:* Our children deserve to lead lives free of harm, and lead poisoning is disproportionately harmful to Black and Brown people and children. Requiring the Department of Education, instead of the local school boards, to develop a water testing program makes way for standardized processes across the board instead of leaving the health of our children up to the local school boards.

## **HB861/SB789**

*Sponsor(s): Representative Yusuf Hakeem and Senator Sara Kyle*

*Status: House: Failed in s/c K-12 Subcommittee of Education Administration on 3/23/21; Senate: Passed on Second Consideration, refer to Senate Education Committee on 2/11/21*

*Summary:* Clarifies that local boards of education are required to implement a policy that incorporates, at a minimum, biennial testing for lead levels in drinking water.

*RJ Analysis:* We believe that essential resources should be pure and free of contaminants and health hazards, especially in an environment where children are restricted from autonomy when it comes to discerning the risks and avoiding them.

## **HB1830/SB789**

*Sponsor(s): Representative Antonio Parkinson and Senator Brenda Gilmore*

*Status: House: Returned to the Clerk's Desk. (4/6/22); Senate: Failed in Senate Judiciary Committee (3/22/22)*

*Summary:* This bill requires certain departments to create programs to reduce gun violence in communities, including a youth employment program, violence intervention program, and firearm buyback program; requires the department of health to submit a quarterly report to the legislature and counties and municipalities on the effects of gun violence in communities.

*RJ Analysis:* Gun violence is a public health crisis, which disproportionately impacts communities of color. The creation of violence prevention and intervention programs creates remedies to reduce gun violence and out of lessening opportunities for violence, especially for young people.

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## Oppose

### **HB2246/SB2077**

*Sponsor(s): Representative Kevin Vaughan and Senator Ken Yager*

*Status: House: Companion Senate Bill substituted on 4/25/22; Senate: Enrolled and ready for signatures as amended on 5/4/22*

*Summary:* This bill directs the Department of Economic and Community Development to conduct a study of the current infrastructure of utilities operating in this state, including pipelines or transmission lines used to produce or distribute a source of energy such as gas or oil, to determine what improvements to the infrastructure are needed to attract development and investment to this state.

*RJ Analysis:* This bill was controversial because it preempted local government authority to regulate infrastructure regarding fossil fuels, with potential impact on communities' drinking water and individuals' property values in their neighborhoods. A series of amendments were made to the original language in efforts to compromise with the vocalized concerns of environment, local autonomy, and individual health impact; however, we are still unsatisfied with the proposed legislation and encourage municipal and county government officials to work together to address the infrastructure considerations.

## WINS

The first major win we desire to uplift is the combination of HB2875/SB2679 and HB916/SB827; both bills addressed pregnancy with dignity and were signed into law on May 11, 2022. The first, HB2875/SB2679 prohibits physical restraints on a pregnant inmate from the time that the pregnancy is known to law enforcement and confirmed by a healthcare professional. This law is necessary in that it provides not only dignity but safety to the inmate and fetus, for example, in matters such as tripping and falling. The second law, HB916/SB827, prohibits solitary confinement of pregnant and postpartum inmates (up to eight weeks after delivery) and also prohibits transfers from jail to prison/state penitentiary unless medically necessary. We support these and other efforts to improve maternal health, well-being, and dignity in all communities and environments and encourage additional reform in these policies.

The second win was HB204/SB136, otherwise known as the CROWN Act: Create a Respectful and Open World for Natural Hair. Sponsored by Representative Karen Camper and Senator Raumes Akbari, this law prohibits discrimination in the workplace and public schools with respect to natural hairstyles. Tennessee is the first southern state to pass legislation protecting individuals from this prejudicial action. Any fines collected from violations go toward educating employers and enforcement of the law.

## LOSSES

Majority of the Tennessee legislators were locked and loaded in the attack against transgender rights and abortion access this session. HB1177/SB1238 establishes that an individual's sex is determined by that which is on their birth certificate. Policies such as this are harmful and discriminatory. Transgender people already face violence and discrimination, and this is only magnified by the Tennessee General Assembly's lack of compassion.

While the attempt to completely ban abortion, by way of an amendment to HB2779/SB2582, was unsuccessful, HB2416/SB2281 enacted the Tennessee Abortion-Inducing Drug Risk Protocol Act. This act prohibits abortion-inducing drugs from being provided by any party aside from a "qualified physician," and states that no party may supply abortion-inducing drugs through the mail. Furthermore, the patient must be examined in-person and a follow-up appointment must be scheduled two weeks after the initial appointment. While the attacks on pregnant individuals' rights to choose are nothing new, the dehumanization and invalidation continue to harm those individuals.



UDDICIA

## *Closing:*

While there were many losses that stripped Tennesseans of rights and autonomy, we remain hopeful. This surge of discriminatory and conservative legislation will not stop us from rallying our communities around these issues and fighting for justice.

SisterReach and the surrounding community give thanks to all of the supporters and advocates who uplift the work for women, girls, and gender non-conforming people of color and LGBTQIA+ people in Tennessee and the South.

**To learn more about SisterReach and support our work, visit us at:**

**Website: [www.SisterReach.org](http://www.SisterReach.org)**

**Instagram: [@SisterReach](https://www.instagram.com/SisterReach)**

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