

SENATE BILL 574

By Pody

AN ACT to amend Tennessee Code Annotated, Title 45;
Title 47 and Title 58, Chapter 2, relative to
emergency powers.

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

SECTION 1. Tennessee Code Annotated, Section 58-2-302, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b)

(1) As used in this subsection (b), "lawful occupation" means a lawful vocation, trade, business, profession, field of specialization, or other means of livelihood that is not specifically deemed to be unlawful under federal law or the law of this state.

(2) During the existence of a state of emergency declared pursuant to this chapter, a political subdivision or a public official shall not prohibit the operation of or engagement in a lawful occupation, including by categorizing a lawful occupation as non-essential in an order, rule, or regulation.

(3) This subsection (b) does not apply where a person engaged in a lawful occupation is prohibited from operating or engaging in the lawful occupation, either temporarily or permanently, as a result of a violation of state or federal law.

(4) A person harmed by a violation of this subsection (b) may bring a civil action for actual damages or declaratory relief against the political subdivision or public official that violated this subsection (b). A violation committed by a public official subjects the public official to personal liability in an action brought

pursuant to this subdivision (b)(4). A court shall award litigation costs and fees, including reasonable attorneys' fees, to a person who prevails in an action brought pursuant to this subdivision (b)(4).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.