

HOUSE BILL 2567

By Faison

AN ACT to amend Tennessee Code Annotated, Title 36;
Title 37; Title 49; Title 63 and Title 68, relative to
children.

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

SECTION 1. This act shall be known and may be cited as the "Parents' Bill of Rights."

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 10, is amended by adding
the following language as a new part:

37-10-601.

(a) All parental rights are reserved to the parent of a minor child without
obstruction or interference from this state, any political subdivision of this state, any
other governmental entity, or any other institution, including, but not limited to, the
following rights:

- (1) The right to direct the education of the minor child;
- (2) All rights of parents identified in title 36 and title 49, including the right
to access and review all school records relating to the minor child;
- (3) The right to direct the upbringing of the minor child;
- (4) The right to direct the moral or religious training of the minor child;
- (5) The right to make healthcare decisions for the minor child, unless
otherwise prohibited by law;
- (6) The right to make post-birth preference decisions, including delayed
cord clamping, skin-to-skin contact, and the right to opt-out of post-birth
practices, including antibiotic eye ointment, vitamin K injection, delayed bathing,
and Hepatitis B vaccine;

(7) The right to access and review all medical records of the minor child unless otherwise prohibited by law, or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official or department of children's services employee requests that the information not be released;

(8) The right to consent in writing before a biometric scan of the minor child is made, stored, or shared;

(9) The right to consent in writing before any record of the minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by § 24-7-112 or unless authorized by court order;

(10) The right to consent in writing before any governmental entity makes a video or voice recording of the minor child, unless the video or voice recording is made during or as part of a court proceeding, by law enforcement officials during or as part of a law enforcement investigation, during or as part of a forensic interview in a criminal or department of children's services investigation, or to be used solely for any of the following:

(A) Safety demonstrations, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;

(B) A purpose related to a legitimate academic or extracurricular activity;

(C) A purpose related to regular classroom instruction;

(D) Security or surveillance of buildings or grounds, or

(E) A photo identification card; and

(11) The right to be notified promptly if an employee of this state or any political subdivision of this state suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the

incident has first been reported to law enforcement officials and notification of the parent would impede a law enforcement or department of children's services investigation. This subdivision (a)(11) does not create any new obligation for LEAs or charter schools to report misconduct between students at school, such as fighting or aggressive play, that is routinely addressed as a student disciplinary matter by the school.

(b) This section does not:

(1) Authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state;

(2) Prohibit courts, law enforcement officers, or employees of a governmental agency responsible for child welfare from acting in their official capacity within the reasonable and prudent scope of their authority; or

(3) Prohibit a court from issuing an order that is otherwise permitted by law.

(c) Any attempt to encourage or coerce a minor child to withhold information from the minor child's parent is grounds for discipline of an employee of this state, any political subdivision of this state, or any other governmental entity, except for law enforcement personnel.

(d) Unless legally waived or terminated, a parent has inalienable rights that are more comprehensive than those listed in this part.

(e) Unless otherwise required by law, the rights of parents of a minor child must not be limited or denied.

(f) This part does not apply to a parental action or decision that would end the life of the minor child.

(g) This part does not prescribe all rights of parents.

37-10-602.

(a)

(1) Except as otherwise provided by law, no person may procure, solicit to perform, arrange for the performance of, or perform surgical procedures or a physical examination upon a minor child, or prescribe any prescription drugs to a minor child without first obtaining the written consent of the parent of the minor child.

(2) Notwithstanding subdivision (a)(1), if the parent of a minor child provides written consent to a school district for assessment or treatment, the consent is effective for the school year in which the consent is granted and must be renewed each subsequent school year. If an assessment or treatment is performed through telemedicine at a school site and a current consent has been provided by the parent of the minor child, the health professional is not required to verify that the parent of the minor child is at the school site.

(b) A hospital, as defined by § 68-11-201, may not permit surgical procedures to be performed upon a minor child at the hospital's facilities without first having obtained the written consent of a parent of the minor child.

(c) This section does not apply when it has been determined by a physician that an emergency exists and that it is necessary to perform such surgical procedures for the treatment of an injury or drug abuse, or to save the life of the minor child, or when the minor child's parent cannot be located or contacted after a reasonably diligent search.

(d) This section does not apply to an abortion, which is governed by the provisions of title 37, chapter 10, part 3, and title 39, chapter 15, part 2.

(e) A violation of this section is a Class A misdemeanor.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.