

2015 LEGISLATIVE REPORT



After the 2014 passage of regressive laws in the state legislature and on the ballot, SisterReach is keeping a close watch over our Tennessee state legislature. Read on for our analysis of the 2015 109th session of the General Assembly. The bills presented here are not a total list of all of the legislation that we followed, but rather the most concerning or promising, with a focus on those bills that would have the greatest impact on women and girls of color, poor women, rural women, and their families.

THE 109TH TENNESSEE GENERAL ASSEMBLY

SUCCESSSES

- ☑ Failure of an expansion of the egregious 2014 so-called fetal assault law
- ☑ Improvement of an existing law placing more protection for ex-felons attempting to secure a barber or cosmetology license from adverse action by their training institutions.

SETBACKS

- ☒ 6 new TRAP (Targeted Regulation of Abortion Providers) laws were introduced and two became law.
- ☒ New legislation that policed pregnant people and their pregnancy outcomes and/or left them unsupported.
- ☒ Conservative legislators halted the promise of healthcare to working Tennesseans.

CRIMINALIZATION OF PREGNANT WOMEN

2014's [fetal assault law](#) resulted in the arrests of over 30 women across the state, incarcerating mothers for drug use and addiction, rather than offering medically-appropriate and suggested health care options like rehabilitation or counseling. We are particularly keeping an eye on mothers' records being expunged post-program and ensuring that mothers are reunited with their children. Poor mothers are disproportionately impacted as they have fewer resources to navigate court and child protection systems. In that same vein. In 2015, **HB1340 (Weaver)/SB0586 (Tate)** was filed to expand the list of drugs for which women could be prosecuted under the law to include methamphetamines. As a part of the Healthy & Free TN reproductive freedom coalition, SisterReach helped bring about media attention to the egregious nature of the law and its effect on marginalized mothers. Together, the coalition defeated the amendment, pressing our legislators to make data collection on the law a priority.

Moving forward, our recommendations are:

- 1) the need for a model of care which supports access to the full range of rehabilitative services without a punitive component,
- 2) rehabilitative housing for mothers and their children while going through the program, and
- 3) data that highlights the experiences of mothers and their families impacted by the law.

ABORTION

The passage of Amendment 1 last year allowed room for new abortion restrictions and barriers to access for Tennessee women. As a result, six anti-abortion bills were introduced this session, two of which were signed into law. TRAP Laws- Targeted Regulation of Abortion Providers- disproportionately impact poor and young women placing safe and legal abortions further out of reach for women who choose to have them. These medically unnecessary restrictions cause vulnerable clinics to close, increase barriers to time restrictions for abortion procedures and increase disparities for women who already face challenges around transportation, childcare and other needed expenses when choosing an abortion. TRAP laws specifically and unnecessarily attack healthcare providers offering a wide range of sexual and reproductive care for all people-including abortions. Of those introduced, three were most alarming to us:

- » **Enacted: HB0977 (Hill)/SB1222 (Beavers)** institutes a 48 hour waiting period for anyone seeking an abortion in Tennessee and requires abortion patients to make two, separate trips to their health care provider to receive care.
- » **Enacted: HB1368 (Lynn)/SB1280 (Hensley)** enacts a medically unnecessary requirement that a facility offering surgical abortion services be licensed as an outpatient surgical facility. A legal team organized by the Center for Reproductive Rights, in partnership and on behalf of Bristol Regional Women's Center (Knoxville), The Women's Center (Nashville), and Memphis Center for Reproductive Health d/b/a Choices, [challenged the decision in federal district court](#) in Nashville blocking the law from taking effect.
- » **Failed: HB0002 (Womick)/SB0775 (Beavers)** attempted to shame women seeking an abortion by forcing her to receive an ultrasound and description of the fetus before her abortion procedure. This bill was tabled for this session, but we project that it will return.

Abortion care is part of reproductive health care. For poor women and girls, who are disproportionately women and girls of color, abortion is often an act of survival. Our legislators strip women of bodily autonomy and human dignity by inserting politics into our healthcare decisions. Our overarching recommendation for the Tennessee legislature is to trust women to make the best decisions for ourselves, our families and our communities – that includes preserving our right to a safe and legal abortion.

DOMESTIC VIOLENCE & SEXUAL ASSAULT

Most of the bills presented this year regarding domestic violence and sexual assault were directed at protecting children. A woman or child's ability to live in a safe environment free from violence from individuals or the government is a reproductive justice issue and a human right. Specific to domestic violence, these three bills passed into law:

- » **Enacted: HB0672 (Rogers)/SB0594 (Haile)** requires law enforcement investigating a domestic violence situation involving a hearing impaired child to seek a signing interpreter for the child. Ensuring interpretation for the child ensures that they are able to independently communicate and can potentially avoid the influence of a harmful, yet interpreting, family member.
- » **Enacted: HB0554 (Fitzhugh)/SB1121 (Yarbro)** eliminates the rights of custody, visitation, and inheritance for persons convicted of aggravated rape, rape, or rape of a child from which crime the child was conceived; permits the child's other parent to request reasonable visitation with the convicted parent; requires a court to establish a child support obligation for the convicted parent.
- » **Enacted: HB1239 (Miller)/SB0981 (Norris)** addresses Tennessee's shameful backlog of untested rape kits, requiring kits be sent to investigators with the consent of victims within a set period of time. Further policymaking is needed, however, to ensure that all kits are collected and tested in a timely, thorough, and efficient manner.

INSURE TENNESSEE (TN)

By not passing Insure Tennessee (TN), conservative legislators left thousands of working people in desperate need for healthcare. Insure TN would have provided insurance coverage for people who do not qualify for Medicaid coverage, cannot afford the coverage through the Healthcare.gov Marketplace, and do not make enough to qualify for tax credits to make coverage more affordable. Though Insure TN would not have covered non-working Tennesseans, SisterReach supported the plan as a step in the right direction and hopes that a more comprehensive healthcare model would be made available to all Tennesseans in the near future.

CHILDREN AND FAMILIES

In 2015, the state legislature took steps in a positive direction passing bills to ensure that state employees and grandparents have stronger support to parent the children in their lives:

- » **Enacted: SB0950 (Yarbro)/HB0478 (Beck)** eliminates the 30-day cap on sick leave that may be used for maternity and paternity leave if both parents are state employees
- » **Enacted: HB0704 (Hulsey)/SB0684 (Green)** permits great grandparents to petition for grandparent visitation rights, giving hope for non-nuclear families to be formally and legally formed when necessary, and adding new options for struggling families.

However, the legislature also took two steps backwards, failing to support families who are living in poverty:

- » **Enacted: SB0681 (Massey)/HB0811 (Littleton)** prohibits the return of children to homes from which they were removed due to their parent's drug use, unless "the parent demonstrates a sustained commitment to responsible parenting."ⁱ This legislation is of great concern for SisterReach as we know that poor families or families without a strong support network have an increased end result of never regaining custody of their children. This legislation only further exacerbates the effects of the fetal assault law for example and any other criminalizing legislation like HIV criminalization of sex workers. Further, the Tennessee legislature positioning itself as the decider of what "responsible parenting" is or should look like is problematic and highlights the moralistic trend of injustice we've observed particularly in legislation where people of color, poor people or young people would be most impacted.
- » **Failed: HB0552 (Fitzhugh)/SB0662 (Kyle)** would have given 4 hours of leave for parents to engage in school activities. This is particularly important for parents/guardians without transportation or who live in rural communities where transportation may be limited.

ECONOMIC JUSTICE

Economic Justice had a mixed bag of successes and setbacks this year, with few advances and many disappointing failures. Most significant is the repeated failure of the legislature to pass anti-discrimination legislation for LGBTQIA Tennesseans or to offer better leave options for pregnant workers who are not state employees. Overall, the legislature failed to institute policies protecting job security, labor protections, and training programs.

- » **Failed: HB0296 (Jones)/SB0371 (Kyle):** This year's LGBTQIA protections bill would have added sexual orientation and gender identity or expression to the list of characteristics protected from discrimination or harassment in employment, education, and variety of public accommodations in the state.ⁱⁱ
- » The Pregnant Workers Fairness Act, **HB0974 (Hill)/SB1159 (Massey)**, **did not pass** this year. This bill would have enacted basic protections for pregnant workers, especially from being fired/discriminated against due to more limited physical capability in later stages of pregnancy. SisterReach predicts that this bill will be reintroduced next year.

- » **Failed:** The Tennessee Pay Equality Act, **HB0903 (Clemmons) /and SB0864 (Kyle)**, would have prohibited employers from paying employees different wages from those paid to the opposite sex for comparable work, and would have allotted funds for related research by an economic council on women.
- » **Enacted:** **HB0987 (Daniel)/SB1306 (Niceley)** improves the existing law by placing more protection for ex-felons attempting to secure a barber or cosmetology license from adverse action by their training institutions. This bill passed with a unanimous vote in both houses offering people re-entering the workforce a better chance at securing employment and financial stability post incarceration.

GOOD NEWS! The legislature failed to pass two laws that would have hurt low-income Tennesseans by decreasing eligibility in the federal-state program to provide food stamps to low-income families and individuals:

- » Had it passed, **HB0013 (Butt)/SB0646 (Ketron)**, would have prohibited the TN Department of Human Services from seeking a waiver from the federal law requiring food stamp recipients to work or be enrolled in a training program for at least 20 hours a week. Revoking this waiver would have impacted individuals diligently seeking employment would have withheld nutritional support from low-income Tennesseans.
- » Similarly, **HB665 (Hawk)/SB0623 (Southerland)** would have overturned the state’s decision to opt out of the federal law that makes convicted drug felons ineligible to receive food stamps.

COMPREHENSIVE REPRODUCTIVE AND SEXUAL HEALTH EDUCATION

Ensuring that comprehensive reproductive and sexual health education is provided to Tennessee youth is a top priority for SisterReach, and as such, we are watching our legislature closely for opportunities and roadblocks to this goal. This session, **SB0046 (Haile)/HB0040 (Lamberth)** was enacted, and requires that the family life curriculum inform students in all school districts about adoption and its benefits. We see this amendment to the curriculum as unnecessary to young people achieving lower STI and unplanned pregnancy rates – the real issue among Tennessee youth. Instead, this addition supports a dangerous trend of anti-abortion language which alienates LGBTQIA youth and assumes that adoption is a culturally viable option for all Tennessee youth.

SisterReach has a long-term commitment to ensuring that young people receive comprehensive, accurate, and effective sex education, which includes information on the full range of reproductive health choices, and we will work to reverse the effects of this bill and others like it. See our [report](#) on what Memphis teens, parents and teachers feel about the need for comprehensive reproductive and sexual health education.

Learn More About SisterReach and support our work at:
www.SisterReach.org | [@SisterReach](#) | [Facebook.com/SisterReach](https://www.facebook.com/SisterReach)

ⁱ H.B. 811 and SB0681, 2015-2016 Leg., Reg. Session (Tenn. 2015), available at <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB0811>.

ⁱⁱ H.B. 296 and S.B. 371, 2015-2016 Leg., Reg. Session (Tenn. 2015), available at <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB0296>.