

SENATE BILL 1182

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to firearms.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1313 (added by Chapter ____ of the Public Acts of 2013), is amended by adding the following new subsections (c) and (d) and by redesignating present subsection (c) accordingly:

(c)

(1) Unless the possession or carrying of a firearm is a requirement of the position for which the individual is applying or is expressly prohibited by federal law or regulation, no business entity shall inquire, whether by inclusion on an employment application or during the interview process, if an applicant for employment lawfully owns or possesses a firearm.

(2) No business entity shall condition employment, or any rights, benefits, privileges, or opportunities offered by such employment upon an agreement by the applicant for employment or a current employee that the applicant or employee will forego the lawful ownership or lawful possession of a firearm outside the workplace.

(3) No employee shall have a claim for wrongful discharge, termination, or any other cause of action based solely upon the employee's ownership or possession of a firearm if the employee's termination was based solely upon the employee's failure to comply with § 39-17-1359.

(d) This section shall not apply:

(1) To any facility or entity that is subject to federal or state law or regulation related to national security; or

(2) If federal law or regulations or state law or regulations adopted for the enforcement of federal standards or the implementation of such laws or regulations by the business entity prohibits the possession of a firearm or requires reporting of a firearm in the parking lot.

SECTION 2. Tennessee Code Annotated, Section 39-17-1313 (added by Chapter ____ of the Public Acts of 2013), is amended by designating the language of subsection (b), as (b)(1) and by adding the following:

(2)

(A) The presence of a firearm or ammunition on the property of a business entity, public or private employer, or the owner, manager, or legal possessor of the property under the authority of this section does not by itself constitute failure by the employer to provide a safe workplace.

(B) This section does not expand any existing duty, or create any additional duty, on the part of a business entity, public or private employer, or the owner, manager, or legal possessor of the property.

(C) In any action brought against a business entity, public or private employer, or the owner, manager, or legal possessor of the property relating to the use of firearms in the workplace, the plaintiff shall be liable for all costs and legal expenses reasonably incurred by the business entity, public or private employer, or the owner, manager, or legal possessor of the property, in defending such action if concluded in the defendant's favor.

(D) The conduct of a business entity, public or private employer, or the owner, manager, or legal possessor of the property does not constitute a violation of this act if the conduct is engaged in for the sole purpose of complying

with a federal law, regulation, state law or regulation enacted in conformance
with a federal law or regulation, or facially valid court order.

SECTION 3. This act shall take effect July 2, 2013, the public welfare requiring it.