

**PUBLIC CHAPTER NO. 917**

**HOUSE BILL NO. 3504**

**By Representatives Ulysses Jones, DuBois, Brown, McCormick,  
Favors, Hardaway**

**Substituted for: Senate Bill No. 3643**

**By Senator Ketron**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, relative to meetings and records of hospitals.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding the following as a new, appropriately designated section:

(a) Notwithstanding any law to the contrary, hospitals subject to the open meetings laws codified in title 8, chapter 44, or the public records laws codified in title 10, chapter 7, may discuss and develop marketing strategies and strategic plans in closed meetings, not open to the public, and the records addressing marketing strategies and strategic plans, including feasibility studies, may be treated as confidential and not public records, but shall be subject to subpoena. Action by the board of the hospital adopting a specific strategy or plan shall be subject to the open meetings laws codified in title 8, chapter 44, and the adopted strategy or plan, and the studies that were considered in the adoption of the specific strategy or plan, shall then be subject to the public records laws codified in title 10, chapter 7. Such records shall be available for public inspection at least seven (7) days before any vote to adopt such strategy.

(b) Before a meeting of the board of trustees of the hospital shall be closed under this section, the following conditions shall apply:

(1) A quorum of the board shall convene in a public meeting. The presiding officer shall cite or explain to the members and the public assembled the specific legal authority for closing the meeting to the public;

(2) Members of the board shall vote by roll call in the public portion of the meeting on whether closing the meeting to the public is necessary. A simple majority vote of those members of the board in attendance at the meeting shall be required to go into a closed meeting;

(3) The presiding officer shall explain to the members of the board and any members of the public present at the public portion of the meeting that no other business other than the business described in subsection (a) shall be discussed during the closed meeting.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 1, 2008**

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

**APPROVED this 14th day of May 2008**

  
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PHIL BREDEESEN, GOVERNOR