

SENATE BILL 1469

By Bell

AN ACT to amend Tennessee Code Annotated, Title 33;
Title 49 and Title 68, Chapter 11, relative to
establishing citizenship or immigration status of
certain persons.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-2-128.

(a) In this section, "unauthorized alien" means a person who:

(1) Is not a citizen or national of the United States; and

(2) Is not lawfully authorized to be present in the United States according

to the terms of 8 U.S.C. § 1101 et seq.

(b) Beginning with the 2011-2012 school year, and annually thereafter, each LEA shall determine the citizenship and immigration status of each student at the time of the student's initial enrollment in the district or school.

(c) To make the determination required by subsection (b), the LEA shall require each student to provide an original or certified copy of the student's birth certificate. If the student was not born a citizen of the United States, then the student's parent or guardian or other person having lawful control of the student shall, not later than the thirtieth (30th) day after the date of the student's enrollment in the district or school:

(1) Establish the citizenship or immigration status of the student by:

(A) Presenting official documentation of such status for inspection and return by a school official; or

(B) Submitting a notarized copy of the documentation to a school official; and

(2) Attest by affidavit that the documentation presented under subdivision (c)(1) states the true identity of the student.

(d) The commissioner shall annually compile the information collected under this section and submit a report to the speaker of the house of representatives and the senate no later than February 1 each year. The compilation shall:

(1) Provide data on the number of students from each of the following categories from each public school:

(A) Citizens;

(B) Students classified under each immigration classification; and

(C) Students enrolled in bilingual education or a special language program; and

(2) Identify and analyze any impact on the standard or quality of education provided to students who are citizens or lawfully present in the United States that may occur as a result of the enrollment of students who are unauthorized aliens.

(e) The commissioner shall adopt rules to administer this section, including rules to establish objective criteria for identifying and assessing the educational impact resulting from the enrollment of unauthorized aliens as required by subsection (d). The rules may authorize the commissioner to contract with reputable scholars or research institutions to identify and validate the criteria. The rules adopted under this section may not be used to discriminate against a student on the basis of race, color, disability, sex, religion, age, or national origin.

(f) Information obtained under this section that personally identifies a student may not be disclosed except as provided by 8 U.S.C. §§ 1373 or 1644.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new, appropriately designated section:

68-11-272.

(a) In this section, "unauthorized alien" means a person who:

(1) Is not a citizen or national of the United States; and

(2) Is not lawfully authorized to be present in the United States according to the terms of 8 U.S.C. § 1101 et seq.

(b) Beginning on July 1, 2011, and annually thereafter, each health care facility licensed under this title or title 33, chapter 2, shall determine the citizenship and immigration status of each person receiving direct care at the time of such person's admission in such health care facility.

(c) To make the determination required by subsection (b), the health care facility shall require each person to designate such person's citizenship and immigration status, on forms provided by the department of health, prior to receiving direct care in such health care facility. Such forms shall include the following language:

THE STATE OF TENNESSEE REQUIRES THAT EACH PATIENT RECEIVING DIRECT CARE IN A HEALTH CARE FACILITY DESIGNATE HIS OR HER CITIZENSHIP AND IMMIGRATION STATUS PRIOR TO RECEIVING SUCH CARE. NO MEDICAL SERVICES MAY BE WITHHELD FROM AND NO INFORMATION MAY BE USED TO DISCRIMINATE AGAINST ANY PERSON ON THE BASIS OF RACE, COLOR, DISABILITY, SEX, RELIGION, AGE OR NATIONAL ORIGIN.

(d) The commissioner of health annually shall compile the information collected under this section and submit a report to the speaker of the house of representatives and the senate no later than February 1 each year. The compilation shall:

(1) Provide data on the number of persons receiving direct care from each health care facility from each of the following categories:

(A) Citizens; and

(B) Persons classified under each immigration classification;

(2) Identify and analyze any impact on the standard or quality of health care provided to persons who are citizens or lawfully present in the United States that may occur as a result of the direct care of persons who are unauthorized aliens.

(e) The commissioner shall adopt rules to administer this section, including rules to establish objective criteria for identifying and assessing the health care impact resulting from the direct care of persons who are unauthorized aliens as required by subsection (d). The rules may authorize the commissioner to contract with reputable scholars or research institutions to identify and validate the criteria. The rules adopted under this section may not be used to discriminate against any person on the basis of race, color, disability, sex, religion, age, or national origin.

(f) Information obtained under this section that personally identifies a person may not be disclosed except as provided by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. § 1320d et seq..

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.