

The Families' Rights and Responsibilities Act

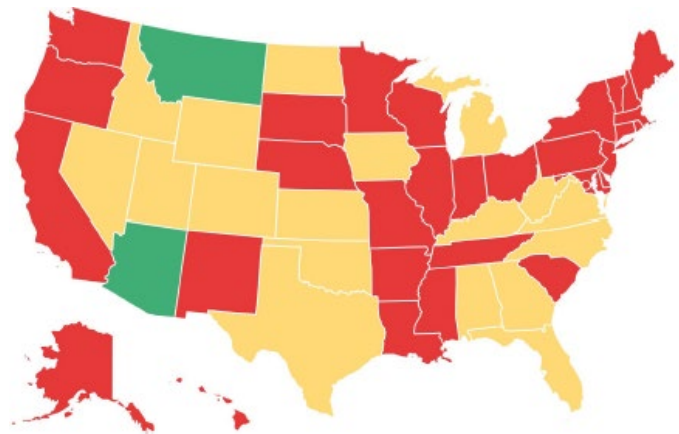
(SB 2749 / HB 2936)

The Problem: Tennessee Lacks Statutory Protections for Parents

Tennessee lags behind other states in statutorily protecting the right of parents to direct the care and upbringing of their children. There are four key areas where Tennessee has no protections—putting it in the same league as California, New York, and Massachusetts.

To fully protect parental rights, Tennessee needs to:

1. Recognize that parents' rights to raise their children are a fundamental right.
2. Require school authorities to honor parents' decisions, and provide transparency so parents know what their child is being taught.
3. Ensure medical providers obtain parental consent before providing mental or physical health services to a child.
4. Provide families with a clear legal remedy when their rights are violated.



** Green states have full protections for parental rights; Yellow states partially protect parental rights; Red states lack statutory protections for parental rights in any of the four areas.*

The Solution: The Families' Rights and Responsibilities Act

The Families' Rights and Responsibilities Act (SB 2749 / HB 2936) would propel Tennessee to being one of the best states for parental rights.

- The bill recognizes that the liberty of parents to direct the care and upbringing of their children is a fundamental right.
- It ensures parental rights receive the same level of protection as free speech, religious liberty, and other fundamental rights, meaning the government can only interfere with those rights in exceptional circumstances (such as preventing physical abuse).
- It establishes strong barriers to prohibit the government from interfering with parental rights and provides a non-exhaustive list of those barriers.
- It requires all health care providers to obtain parental permission before providing mental or physical health care services to a child, except in certain narrow circumstances.
- It provides families with a strong legal remedy to hold the government accountable in state court when government actions or policies violate parental rights.

The TRUTH about the Families' Rights and Responsibilities Act

The Families' Rights and Responsibilities Act provides a well-tested means for Tennessee to fully safeguard the right of parents to raise their children without government interference. The bill:

- Does NOT create parental rights. It recognizes that parental rights are fundamental rights, co-equal to free speech and religion. It limits government from interfering with those rights.
- Is grounded in states' rights. Tennessee, through its democratically elected representatives, is setting clear restrictions on government interference with parental decision-making.
- Uses the same tried-and-true framework as Tennessee's Religious Freedom Restoration Act. By doing so, it ensures parental rights get the same protection as religious freedom.
- Is modeled on similar laws passed in **17 other states**, including Florida, North Carolina, Iowa, Oklahoma, Montana, and Arizona.

Liberty and Justice for All: Tennessee Protects its Citizens' Liberty

Tennessee has long protected its citizens' liberty and freedom to exercise their fundamental rights.

- In 2021, Tennessee enacted protections against COVID-19 mandates. The law's purpose was to "to safeguard the constitutional rights and liberty interests of persons during the COVID-19 pandemic." T.C.A. § 14-1-103. "Consistent with our constitutionally recognized and inalienable right of liberty, every person within this state is and must remain free to choose or to decline to be vaccinated against COVID-19...." T.C.A. § 14-1-102.
- In 2011, Tennessee passed the "Tennessee Health Freedom Act" which "declared that the public policy of this state, consistent with our constitutionally-recognized and inalienable right of liberty, is that every person within this state is and shall be free to choose or to decline to choose any mode of securing healthcare services...." T.C.A. § 56-7-1016.
- The Tennessee Higher Education Freedom of Expression Act, passed in 2023, recognized that "[f]reedom of expression and inquiry at public institutions of higher education are indispensable to ... the furtherance of the ordered individual liberty established in our nation's founding documents." T.C.A. § 49-7-1907.
- When Tennessee enacted a Heartbeat Law in 2020, the legislature found that "[t]he state has a legitimate, substantial, and compelling interest in protecting the rights of all human beings, including the fundamental and absolute right of unborn human beings to life, liberty, and all rights protected by the Fourteenth and Ninth Amendments to the United States Constitution." T.C.A. § 39-15-214.
- Tennessee enacted both the "Student Religious Liberty Act of 1997" and the "School Employee Religious Liberty Act of 1999. These laws codify in statute "the religious liberty rights" of students and school employees. T.C.A. § 49-6-2902; § 49-6-8002. And both laws instruct that they "shall not be construed to exclude or limit religious liberty or free speech rights otherwise protected by federal, state or local law." T.C.A. § 49-6-2905; § 49-6-8005.