

On November 12, 2021, Public Chapter 6 of the 2021 Third Extraordinary Session (“the law” or “Public Chapter 6”) became effective and imposes various provisions regarding COVID-19 in Tennessee. The law allows a private business, governmental entity, school, or employer to seek an exemption from Chapter 2 or 6 of the law by submitting notice in writing to the Comptroller of the Treasury that compliance with Chapter 2 or 6 of the law would result in a loss of federal funding to the extent such an exemption is necessary to conform to federally awarded or amended contracts, subcontracts, or postsecondary grants as a condition to receipt of federal funds. The Comptroller must review the notice submitted by the entity, and if the Comptroller finds that compliance would result in a loss of federal funding, the Comptroller must notify the entity in writing of its exemption. In accordance with the requirements of Public Chapter 6, the Comptroller establishes these Guidelines for those entities seeking exemptions.

Requesting an Exemption

The following entities may request an exemption from Chapter 2 or 6 of Public Chapter 6: private businesses, governmental entities, schools, or employers. An entity must request an exemption by submitting a notice to the Comptroller of the Treasury via the online web portal at comptroller.tn.gov/covidexemption. Entities may not initiate a request for exemption by phone, email, or any method other than by submitting a notice via the web portal.

Persons submitting notices must be authorized and empowered to execute the notice on behalf of the entity requesting an exemption.

Requirements of the Notice

Each entity seeking an exemption must provide the following in its notice submitted to the Comptroller:

1. Name of the entity
2. First and last name of a contact person affiliated with the entity submitting the notice
3. Contact person’s position or title
4. Entity’s mailing address
5. Contact person’s phone number
6. Contact person’s email address
7. Justification for the exemption
8. One or more applicable federal contract numbers and/or other information sufficient to identify the contract, subcontract, or postsecondary grant. The entity’s Data Universal Numbering System (“DUNS”) number should be provided if applicable.

The person requesting the exemption on behalf of the entity must attest that the information provided in the notice is true and correct to the best of the person’s knowledge and belief. Persons requesting exemptions must be authorized and empowered to execute the notice on behalf of the entity. The Comptroller may request additional information not enumerated above from the entity during the course of the review.

Entities requesting an exemption should NOT include copies of federal contracts, subcontracts, or postsecondary grants in their initial application. However, the Comptroller may request the contract, subcontract, or postsecondary grant, or any provision thereof, prior to making a determination about the entity’s exemption. While these documents are not requested in the notice

form, the Comptroller's Office may request such contracts, subcontracts, or postsecondary grants to ensure compliance with the applicable laws and these Guidelines.

An entity that is actively applying for or seeking to renew a federal contract, subcontract, or postsecondary grant may submit a notice for an exemption if compliance with the law would result in the entity's loss of federal funding. Such an entity must provide the foregoing required information, including sufficient information to identify the potential contract or the contract that the entity is seeking to renew. Exemptions for such situations may be granted contingent upon the entity's being awarded the contract or the contract being renewed. In such cases, the entity must provide the Comptroller with notice that it was awarded the contract, or the contract was renewed, within fourteen (14) days of the award or renewal.

Comptroller's Review of Notice

Pursuant to Public Chapter 6, the Comptroller will review each notice filed by a private business, governmental entity, school, or employer to determine whether compliance with Chapter 2 or 6 would result in a loss of federal funding to the entity. After completion of the review, the Comptroller will provide the entity in writing with an exemption or notification that the entity's exemption request was not granted.

Exemptions will not be granted if:

1. The entity fails to provide any of the required information in the notice;
2. the entity fails to provide an adequate justification for an exemption at the discretion of the Comptroller; or
3. the entity fails to provide any additional information later requested by the Comptroller.

Nothing in these Guidelines prevents an entity from re-applying for an exemption if the initial notice is denied.

Length of Exemptions and Renewals

After one calendar year from the date on which the Comptroller exempts the private business, governmental entity, school, or employer from a provision of Chapter 2 or 6 of Public Chapter 6, the private business, governmental entity, school, or employer must submit notice in writing to the Comptroller to have the exemption renewed for no more than one additional one-year period.

Notices under this subpart of the Guidelines should be submitted via the Comptroller's online web portal and at least sixty days prior to the expiration of the original exemption.

Miscellaneous

A private business, governmental entity, school, or employer shall notify the Comptroller via the online web portal or at exempt@cot.tn.gov within fourteen (14) days if the conditions or justifications for the Comptroller granting the exemption no longer exist.

For questions regarding these Guidelines or how to submit a notice for an exemption, please contact the exemption review team at exempt@cot.tn.gov.