



# State of Tennessee

## PUBLIC CHAPTER NO. 991

HOUSE BILL NO. 2434

By Representatives Terry, Sherrell

Substituted for: Senate Bill No. 2018

By Senators Reeves, Hensley

AN ACT to amend Tennessee Code Annotated, Title 29 and Title 47, relative to civil liability.

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Cybersecurity event" means an event resulting in unauthorized access to, or disruption or misuse of, an information system or nonpublic information stored on an information system;

(2) "Information system" has the same meaning as defined in § 56-2-1003;

(3) "Nonpublic information" means information that is not publicly available and concerns a person that, because of a name, number, personal mark, or other identifier, can be used to identify that person, in combination with the following:

(A) A social security number;

(B) A driver license number or non-driver identification card number;

(C) A financial account number or credit or debit card number;

(D) A security code, access code, or password that would permit access to the person's financial accounts; or

(E) Biometric records;

(4) "Private entity" means a corporation, religious or charitable organization, association, partnership, limited liability company, limited liability partnership, or other private business entity, whether organized for-profit or not-for-profit; and

(5) "Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public.

(b) A private entity is not liable in a class action lawsuit resulting from a cybersecurity event unless the cybersecurity event was caused by willful and wanton misconduct or gross negligence on the part of the private entity.

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

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PASSED: April 24, 2024



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 21<sup>st</sup> day of May 2024



BILL LEE, GOVERNOR