

HOUSE BILL 2879

By Todd

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 20 and Title 66, Chapter 2, relative to the "Agricultural and Critical Infrastructure Protection Act."

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

SECTION 1. Tennessee Code Annotated, Section 66-2-301(1), is amended by deleting the language "agricultural land,".

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 2, is amended by adding the following as a new part:

66-2-401. Short title.

This act is known and may be cited as the "Agricultural and Critical Infrastructure Protection Act."

66-2-402. Part definitions.

As used in this part:

(1) "Agricultural land" means land that is classified as farm property pursuant to § 67-5-801;

(2) "Company" means a sole proprietorship; organization; association; corporation; partnership; joint venture; limited partnership; limited liability partnership; or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit;

(3) "Critical infrastructure" means a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility;

(4) "Cybersecurity" means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access; and

(5) "Designated country" means a country designated by the governor as a threat to critical infrastructure or agricultural land.

66-2-403. Prohibited access to critical infrastructure and agricultural land.

(a) A business entity or individual may not enter into an agreement relating to agricultural land in this state with individuals who are citizens of China, Iran, North Korea, Russia, or a designated country.

(b) A business entity may not enter into an agreement relating to critical infrastructure or agricultural land in this state with a company:

(1) If, under the agreement, the company would be granted direct or remote access to or control of critical infrastructure or agricultural land in this state, excluding access specifically allowed by the business entity for product warranty and support purposes; and

(2) If the business entity knows that the company is:

(A) Owned by or the majority of stock or other ownership interest of the company is held or controlled by:

(i) Individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; or

(ii) A company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly

controlled by the government of China, Iran, North Korea, Russia, or a designated country; or

(B) Headquartered in China, Iran, North Korea, Russia, or a designated country.

(c) The prohibition in subsection (a) applies regardless of whether:

(1) The company's or its parent company's securities are publicly traded;

or

(2) The company or its parent company is listed on a public stock exchange as:

(A) A Chinese, Iranian, North Korean, or Russian company; or

(B) A company of a designated country.

66-2-404. Designation of country as threat to critical infrastructure or agricultural land.

(a) The governor, after consultation with the commissioner of the department of safety, may designate a country as a threat to critical infrastructure or agricultural land for purposes of this chapter.

(b) The governor shall consult with the Tennessee office of homeland security to assess a threat to critical infrastructure or agricultural land for purposes of making a designation under subsection (a).

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.