



# Public Service Denied

*How Discriminatory Mandates Prevent Qualified Individuals from Serving on Tennessee Public Boards*

## What's at Stake?

Government boards regulate countless professions in Tennessee. Whereas most boards require their members to meet reasonable requirements, several Tennessee statutes require the governor to appoint board members on the basis of race or sex. These provisions have nothing to do with the profession being regulated and everything to do with identity politics.

The Fourteenth Amendment guarantees equal protection under the law, yet these quotas require overt discrimination against certain individuals regardless of their choices, character, or ability and keep qualified individuals off public boards for the sake of race- or sex-based balance.

## Solution

Pacific Legal Foundation is suing the governor of Tennessee on behalf of Do No Harm, a nonprofit organization of more than 6,000 physicians, healthcare professionals, medical students, patients, and policymakers committed to ensuring equality in healthcare.

This federal lawsuit challenges the race-based membership quota of the Tennessee Board of Podiatric Medical Examiners on the grounds that it violates the Constitution's guarantee of equal protection. Victory would ensure that all candidates can compete equally to serve on the board, regardless of their race.

However, Tennessee legislators don't have to wait on the court. They should reform the state's biased laws now, ending race- and sex-based discrimination in public board membership.

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### To learn more

about public board mandates in Tennessee and other states, scan here:



# Tennessee's Unconstitutional Public Board Membership Mandates

BOARD	STATUTE
Advisory Council for the Education of Students with Disabilities	TENN. CODE ANN. § 49-10-105(b)(2)
Alcoholic Beverage Commission	TENN. CODE ANN. § 57-1-102(a)
Board of Chiropractic Examiners	TENN. CODE ANN. § 63-4-102(c)
Board of Communications Disorders and Sciences	TENN. CODE ANN. § 63-17-104(b)(3)
Board of Dentistry	TENN. CODE ANN. § 63-t5-103(d)(2)
Board of Dietician/Nutritionist Examiners	TENN. CODE ANN. § 63-25-106(b)
Board of Dispensing Opticians	TENN. CODE ANN. § 63-14-101(b)(3)
Board of Examiners in Psychology	TENN. CODE ANN. § 63-11-102(c)(2)
Board of Funeral Directors and Embalmers	TENN. CODE ANN. § 62-5-201(a)
Board of Medical Examiners	TENN. CODE ANN. § 63-6-102(c)
Board of Nursing	TENN. CODE ANN. § 63-7-202(i)
Board of Nursing Home Administrators	TENN. CODE ANN. § 63-16-102(b)(2)
Board of Occupational Therapy	TENN. CODE ANN. § 63-13-216(k)
Board of Osteopathic Examination	TENN. CODE ANN. § 63-9-101(a)
Board of Physical Therapy	TENN. CODE ANN. § 63-13-318(k)
Board of Physician Assistants	TENN. CODE ANN. § 63-19-103(b)(1)
Board of Podiatric Medical Examiners	TENN. CODE ANN. § 63-3-103(b)
Board of Professional Counselors, Martial and Family Therapists, and Clinical Pastoral Therapists	TENN. CODE ANN. § 63-22-101(c)(5)
Board of Regents*	TENN. CODE ANN. §§ 49-8-201(a)(3)(b)-(c)
Board of Social Work Licensure	TENN. CODE ANN. § 63-23-101(b)(6)
Board of Veterinary Medical Examiners	TENN. CODE ANN. § 63-12-104(c)
Commission on Children and Youth	TENN. CODE ANN. § 37-3-102(b)
Commission on Firefighting Personnel Standards and Education	TENN. CODE ANN. § 4-24-104(d)
Commission on Intergovernmental Relations	TENN. CODE ANN. § 4-10-103(k)
Forestry Commission	TENN. CODE ANN. § 11-4-201(a)
Health Facilities Commission	TENN. CODE ANN. § 68-11-203(b)(3)
Motor Vehicle Commission	TENN. CODE ANN. § 55-17-103(a)(3)
Pest Control Advisory Board	TENN. CODE ANN. § 62-21-104(b)(2)
Pharmacy Board	TENN. CODE ANN. § 63-10-304(c)
State Board for Licensing Contractors	TENN. CODE ANN. § 62-6-104(a)(1)
State Board of Accountancy	TENN. CODE ANN. § 62-1-104(b)(9)
State Board of Education	TENN. CODE ANN. § 49-1-301(a)(2)
State Board of Examiners for Architects and Engineers	TENN. CODE ANN. § 62-2-201(a)(2)
State Board of Examiners for Land Surveyors	TENN. CODE ANN. § 62-18-103(c)(2)
State Capitol Commission*	TENN. CODE ANN. §§ 4-8-301(a)(2)(b)-(c)
Tennessee Arts Commission	TENN. CODE ANN. § 4-20-101(a)(2)
Tennessee Auctioneer Commission	TENN. CODE ANN. § 62-19-104(c)
Tennessee Board of Water Quality, Oil, and Gas	TENN. CODE ANN. § 69-3-104(a)(12)
Tennessee Collection Service Board	TENN. CODE ANN. § 62-20-104(b)
Tennessee Council for the Deaf, Deaf-Blind, and Hard of Hearing	TENN. CODE ANN. § 71-4-2103(a)
Tennessee Fish and Wildlife Commission	TENN. CODE ANN. § 70-1-201(a)
Tennessee Historical Commission	TENN. CODE ANN. § 4-11-102(a)
Tennessee Housing Development Agency	TENN. CODE ANN. § 13-23-107(a)(1)(d)(ii)
Tennessee Medical Laboratory Board	TENN. CODE ANN. § 68-29-109(j)
Tennessee Real Estate Commission	TENN. CODE ANN. § 62-13-201(d)(6)
Tennessee Soil and Water Conservation Commission	TENN. CODE ANN. § 43-14-203(d)
Tennessee Student Assistance Corporation	TENN. CODE ANN. § 49-4-202(b)(2)

\* These boards have an outright race- or sex-based membership quota or mandate. All other boards require the governor to "strive" to meet race- or sex-based membership quotas or mandates.