



April 3, 2026

Senator J. Adam Lowe  
Cordell Hull Building  
425 Rep. John Lewis Way N.  
Suite 732  
Nashville, TN 37243  
[sen.adam.lowe@capitol.tn.gov](mailto:sen.adam.lowe@capitol.tn.gov)

**Re: SB 226**

Dear Senator Lowe,

The Professional Certification Coalition (PCC)<sup>1</sup> writes regarding SB 226. As drafted, the bill would waste taxpayer dollars and endanger the health, safety, and welfare of Tennessee citizens who trust the state to protect them. **For these reasons, the PCC opposes SB 226.**

As a threshold matter, legislation to authorize private suits against unconstitutional regulations is unnecessary—any person who practices a profession can already bring First Amendment challenges to professional regulations. However, the bill goes beyond that to take the position that the exercise of religious beliefs and free speech should, in some circumstances, override certain rules and procedures of licensing authorities. What’s more, the legislation confers standing not only on individuals who have allegedly been harmed in violation of the law, but also on those who are “substantially likely to be harmed.” This invites premature, theoretical claims that will burden the legal system and divert resources from protecting public health and safety.

The legislation prohibits adverse action on the basis of one’s refusal to “affirm a statement or oath that is contrary to the individual’s sincerely held religious beliefs or moral convictions,” effectively allowing licensees to withhold certain advice or services to a Tennessee citizen, even if it is in the citizen’s best interests to receive such advice or services. While certain provisions require that services related to the expression of one’s religious beliefs or moral convictions meet the “standard of care or practice for that profession,” this “standard of care” is undefined in the bill. The vagueness and narrow carveout exposes Tennessee residents to abuse and harm.

---

<sup>1</sup> The PCC is a nonprofit, nonpartisan association formed to address legislation that affects professional certification programs, those who hold private certification credentials, and the many constituencies that rely on professional certification. The PCC’s organizational members include non-governmental professional certification organizations, professional societies, and service providers. The PCC’s members reflect a wide spectrum of professions, including health care, engineering, financial services, and information technology, among many others. Our founding organizations – the American Society of Association Executives (the leading organization for association management) and the Institute for Credentialing Excellence (the leading developer of accreditation standards for professional certification programs) – govern the PCC.

April 3, 2026

Page 2

The true effect of SB 226 is to incentivize litigation against state and government employees by offering the prospect of attorney's fees and damages, wasting taxpayer money in having to defend against a spate of likely meritless suits. The legislation's breadth and vagueness results in an expansive grant of standing and means that virtually anyone who is disciplined—or who fears discipline—can claim grounds to sue a licensing agency. The bill does not include any industry-specific exceptions, which means, for example, that officials of the Tennessee medical boards would be subject to suit, that Tennessee would incur litigation expenses even for frivolous claims, and that the medical board officials would regularly have to justify in court that medical licensing is necessary to protect public health.

An occupational license conveys the state's endorsement that a licensee is fit to practice the profession without jeopardizing public health, safety, and welfare. **Licensing boards must be able to make decisions that hold applicants and current licensees to consistent eligibility and disciplinary standards**, regardless of whether the applicant or licensee contends the license denial or disciplinary action involved in the exercise of a First Amendment right.

The PCC stands ready to work with lawmakers who seek to craft legislation that strikes a reasonable balance between occupational licensing and individual rights. Unfortunately, this legislation goes too far in limiting the decision-making authority of licensing boards, thus undermining the safeguards that protect public health and safety.

Thank you for your consideration of these issues. Please feel free to reach out to us using the contact information identified below.

Sincerely,



Mary Kate Cunningham, CAE  
Chief Public Policy and Governance Officer  
ASAE: The Center for Association Leadership  
Phone: (202) 626-2722  
Email: [mcunningham@asaecenter.org](mailto:mcunningham@asaecenter.org)



Denise Roosendaal, FASAE, CAE  
Executive Director  
Institute for Credentialing Excellence  
Phone: (202) 367-1165  
Email: [droosendaal@credentialingexcellence.org](mailto:droosendaal@credentialingexcellence.org)



AABC Commissioning Group  
ABRET Neurodiagnostic  
Credentialing & Accreditation  
(ABRET)  
ABSA International: the  
Association for Biosafety and  
Biosecurity (ABSA)  
Academy for Certification of  
Vision Rehabilitation &  
Education Professionals  
(ACVREP)  
American Association of  
Critical-Care Nurses (AACN)  
American Board for  
Certification in Orthotics,  
Prosthetics and Pedorthics  
(ABCOP)  
American Board of Certification  
for Gastroenterology Nurses  
(ABCGN)  
American Board of Foot and  
Ankle Surgery (ABFAS)  
American Board of  
Neuroscience Nursing (ABNN)  
American Board of Nursing  
Specialties (ABNS)  
American Medical Certification  
Association (AMCA)  
American Nurses Credentialing  
Center (ANCC)  
American Payroll Association  
(APA)  
American Registry of  
Radiologic Technologists  
(ARRT)  
American Society of  
Association Executives (ASAE)  
American Speech-Language-  
Hearing Association (ASHA)  
American Traffic Safety  
Services Association (ATSSA)

American Translators  
Association (ATA)  
Arcitura Education, Inc.  
Association for Financial  
Counseling & Planning  
Education (AFCPE)  
Association of Surgical  
Technologists (AST)  
Behavior Analyst Certification  
Board (BACB)  
Beingcert  
Board of Certified Safety  
Professionals (BCSP)  
Board of Pharmacy Specialties  
(BPS)  
Building Commissioning  
Certification Board (BCCB)  
Building Industry Consulting  
Service International, Inc.  
(BICSI)  
Certification Board for Diabetes  
Care and Education (CBDCE)  
Certification Board for Music  
Therapists (CBMT)  
Certification Council for  
Professional Dog Trainers  
(CCPDT)  
Certified Financial Planner  
Board of Standards (CFP Board)  
Certified Fund Raising  
Executive International (CFRE)  
Chartered Financial Analyst  
Institute (CFA Institute)  
Commission for Case Manager  
Certification (CCMC)  
Community Association  
Institute (CAI)  
Competency & Credentialing  
Institute (CCI)

Construction Management  
Association of America  
(CMAA)  
Council of Engineering and  
Scientific Specialty Boards  
(CESB)  
Dental Assisting National Board  
(DANB)  
Diving Equipment and  
Marketing Association (DEMA)  
Entertainment Services and  
Technology Association (ESTA)  
ETA International  
Financial Planning Association  
(FPA)  
Healthcare Sterile Processing  
Association (HSPA)  
Hearth, Patio, & Barbecue  
Education Foundation (HPBA)  
Hospice and Palliative  
Credentialing Center (HPCC)  
Human Resource Certification  
Institute, Inc. (HRCI)  
Institute for Credentialing  
Excellence (ICE)  
Institute of Hazardous Materials  
Management (IHMM)  
International Coach Federation  
(ICF)  
International Information  
System Security Certification  
Consortium (ISC<sup>2</sup>)  
Irrigation Association  
IT Certification Council (ITCC)  
Laborers' International Union of  
North America Training &  
Education Fund (LIUNA)  
Medical-Surgical Nursing  
Certification Board (MSNCB)  
NALA – The Paralegal  
Association

National Association of Personal Financial Advisors (NAPFA)

National Athletic Trainers' Association Board of Certification, Inc. (NATA/BOC)

National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)

National Board of Certification in Hearing Instrument Sciences (NBC-HIS)

National Board of Certification in Occupational Therapy (NBCOT)

National Board of Surgical Technology and Surgical Assisting (NBSTSA)

National Certification Board for Acupuncture and Herbal Medicine (NCBAHM)

National Certification Corporation (NCC)

National Commission for Health Education Credentialing (NCHEC)

National Commission on Certification of Physician Assistants (NCCPA)

National Council on Family Relations (NCFR)

National Kitchen and Bath Association (NKBA)

National Recreation and Park Association (NRPA)

National Restaurant Association (NRA)

National Society of Professional Engineers (NSPE)

Nephrology Nursing Certification Commission (NNCC)

Oncology Nursing Certification Corporation (ONCC)

Pearson Vue

Pediatric Nursing Certification Board (PNCB)

*Last updated April 3, 2026*

Pharmacy Technician Certification Board (PTCB)

Professional Association of Therapeutic Horsemanship International (PATH)

Project Management Institute (PMI)

PSI Services

QualityPro

Rehabilitation Nursing Certification Board (RNCB)

School Nutrition Association (SNA)

SeaCrest Consulting

Security Industry Association (SIA)

Society of Broadcast Engineers (SBE)

Specialty Pharmacy Certification Board (SPCB)

Spray Polyurethane Foam Alliance (SPFA)

Towing and Recovery Association of America, Inc. (TRA)