



State of Tennessee

PUBLIC CHAPTER NO. 313

HOUSE BILL NO. 883

By Representatives Helton-Haynes, Rudder, Hazlewood, Farmer, Whitson, Moody, Littleton, McCalmon, Raper, Eldridge, Brock Martin, Bulso, Moon, Powers, Bricken, Gant, Carringer, Vaughan, Alexander, Ragan, White, Hurt, Reedy

Substituted for: Senate Bill No. 745

By Senators Briggs, Haile, Johnson, Yager, Hensley, Reeves, Stevens

AN ACT to amend Tennessee Code Annotated, Title 4; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 53; Title 56; Title 62; Title 63; Title 68 and Title 71, relative to abortion.

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

SECTION 1. Tennessee Code Annotated, Section 39-15-213(a)(1), is amended by adding the language "to terminate an ectopic or molar pregnancy," before the language "or to remove a dead fetus".

SECTION 2. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsection (c) and substituting the following:

(c)

(1) Notwithstanding subsection (b), a person who performs or attempts to perform an abortion does not commit the offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and the following conditions are met:

(A) The physician determined, using reasonable medical judgment, based upon the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman; and

(B) The physician performs or attempts to perform the abortion in the manner which, using reasonable medical judgment, based upon the facts known to the physician at the time, provides the best opportunity for the unborn child to survive, unless using reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of death to the pregnant woman or substantial and irreversible impairment of a major bodily function.

(2) An abortion is not authorized under subdivision (c)(1)(A) and a greater risk to the pregnant woman does not exist under subdivision (c)(1)(B) if either determination is based upon a claim or a diagnosis that the pregnant woman will engage in conduct that would result in her death or the substantial and irreversible impairment of a major bodily function or for any reason relating to the pregnant woman's mental health.

SECTION 3. Tennessee Code Annotated, Section 39-15-213, is amended by adding the following as a new subsection:

() While this section is in effect, this section supersedes §§ 39-15-211, 39-15-212, 39-15-214, 39-15-215, 39-15-216, 39-15-217, and 39-15-218.

SECTION 4. Tennessee Code Annotated, Section 39-15-201, is amended by deleting the section.

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SECTION 5. Tennessee Code Annotated, Section 39-15-219(a)(6), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 56-26-134, is amended by deleting the language "abortion services. For purposes of this section, "abortion" has the same meaning as defined in § 39-15-201." and substituting instead "prohibited abortion services as described in § 39-15-213."

SECTION 7. The attorney general and reporter shall notify the Tennessee Code Commission in writing if § 39-15-213 is no longer in effect.

SECTION 8. Tennessee Code Annotated, Section 39-15-203, is amended by adding the following new subsection:

(e) The department of health shall collect the reports submitted pursuant to this section and report quarterly the number of abortions performed in this state to the governor, the speaker of the senate, the speaker of the house of representatives, and the chairs of the health and welfare committee of the senate and the health committee of the house of representatives no later than January 1, April 1, July 1, and October 1 of each year. Any cost associated with implementing this subsection (e) must be provided from within existing resources of the department of health.

SECTION 9. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 5, 2023



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 28th day of April 2023



BILL LEE, GOVERNOR