

HOUSE BILL 1168

By Littleton

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to criminal law.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-107(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) Nothing in subsection (a) shall apply to any lawful act or lawful omission by a pregnant woman with respect to an embryo or fetus with which she is pregnant, or to any lawful medical or surgical procedure to which a pregnant woman consents, performed by a healthcare professional who is licensed to perform such procedure.

(2) Notwithstanding subdivision (c)(1), nothing in this section shall preclude prosecution of a woman for assault under § 39-13-101 based on the woman's illegal use of a narcotic drug, as defined in Section 39-17-402, while pregnant, if the woman's child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of the woman's illegal use of a narcotic drug while pregnant.

(3) It is an affirmative defense to a prosecution permitted by subdivision (c)(2) that the woman actively enrolled in an addiction recovery program before the child is born, remained in the program after delivery, and successfully completed the program, regardless of whether the child was born addicted to or harmed by the narcotic drug.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.