

SENATE BILL 2874

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 36;
Title 37, Chapter 1 and Title 39, Chapter 15,
relative to child abuse.

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

SECTION 1. Tennessee Code Annotated, Section 39-15-401, is amended by adding the follow language as a new subsection (d) and by redesignating subsequent subsections accordingly:

(d) For purposes of subsection (a) of this section, the term “abuse” shall include:

(1) Causing a child to be born with an illegal substance present in the child’s bodily fluids or bodily substances as a result of the pregnant mother knowingly ingesting or using an illegal drug prohibited by title 39, chapter 17 part 4 or a prescription drug for which the mother did not have a valid prescription; or

(2) At the time of the birth of a child, the presence of an illegal substance in the mother’s bodily fluids or bodily substances as a result of the pregnant mother knowingly ingesting or using an illegal drug prohibited by title 39, chapter 17 part 4 or a prescription drug for which the mother did not have a valid prescription.

SECTION 2. Tennessee Code Annotated, Section 37-1-102(b)(23), is amended by adding the following language as a new subdivision:

(E) Prenatal exposure to a prescription drug not lawfully prescribed to the mother or to an illegal drug prohibited by title 39, chapter 17 part 4 used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child’s first year of life that medically

indicate prenatal exposure to a prescription drug not lawfully prescribed or an illegal drug prohibited by title 39, chapter 17 part 4.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.