

HOUSE BILL 26

By Bulso

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 39, Chapter 15, Part 2; Title 53; Title 63 and
Title 68, relative to the Unborn Child Protection Act
of 2025.

WHEREAS, the General Assembly finds that:

- (1) Human life begins at fertilization;
- (2) An unborn child is entitled to the full and equal protection of the laws that prohibit violence against any other person;
- (3) It is a federal crime, prohibited by 18 U.S.C. § 1461, to mail abortion pills or to receive abortion pills in the mail. Such conduct is punishable by imprisonment for five years;
- (4) It is also a federal crime, prohibited by 18 U.S.C. § 1462(c), to transport abortion pills in interstate or foreign commerce;
- (5) These statutes are fully enforceable now that *Roe v. Wade*, 410 U.S. 113 (1973), has been overruled, and the statute of limitations for each of these crimes is five years; and
- (6) Violations of 18 U.S.C. § 1461–1462 are predicate offenses under the federal Racketeer Influenced and Corrupt Organizations Act (RICO), which exposes abortion-pill distribution networks and their donors to civil RICO liability as well as criminal prosecution as a racketeering enterprise under both state and federal law; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following new section:

(a) This section is known and may be cited as the "Unborn Child Protection Act of 2025."

(b) A person or entity, including, but not limited to, a manufacturer, distributor, seller, or reseller, of an abortion-inducing drug shall not mail or deliver an abortion-inducing drug into this state.

(c) As used in this section, "abortion-inducing drug":

(1) Means a drug or medication that is intended to be used, and is used, to terminate the life of an unborn child;

(2) Includes mifepristone, misoprostol, mifeprex (RU-486), when possessed or distributed for the purpose of terminating the life of an unborn child; and

(3) Does not include a drug or medication that is possessed or distributed for a purpose that does not include the termination of the life of an unborn child, such as misoprostol that is possessed or distributed for the purpose of treating a stomach ulcer.

(d) Notwithstanding another law to the contrary, a person or entity who mails or delivers an abortion-inducing drug into this state and the mailing or delivery results in the death of an unborn child is strictly liable in the amount of five million dollars (\$5,000,000) in damages for the death of the unborn child.

(e) Any action brought to recover such damages must proceed as provided in § 20-5-106.

(f) An action brought pursuant to subsection (d) must be commenced within five (5) years of the death of the unborn child.

SECTION 2. This act takes effect July 1, 2025, the public welfare requiring it.