

HOUSE BILL 27

By Behn

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 5; Title 6; Title 7; Title 20; Title 29; Title 37;  
Title 39; Title 49; Title 53; Title 56; Title 63; Title 68  
and Title 71, relative to reproductive health care.

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

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following  
as a new chapter:

**68-13-101. Short title.**

This chapter is known and may be cited as the "Reproductive Freedom Act."

**68-13-102. Chapter definitions.**

As used in this chapter:

(1) "Abortion" means the use of an instrument, medicine, drug, or another  
substance or device with intent to terminate the pregnancy of a person known to  
be pregnant with intent other than to increase the probability of a live birth, to  
preserve the life or health of the child after live birth, or to remove a dead fetus;

(2) "Pregnancy" or "pregnant" means the human reproductive process,  
beginning with the implantation of an embryo; and

(3) "Reproductive health care" means healthcare and other medical  
services related to the reproductive processes, functions, and systems at all  
stages of life, including family planning and contraceptive care; abortion care;  
prenatal, postnatal, and delivery care; fertility care; sterilization services; and  
treatments for sexually transmitted infections and reproductive cancers.

**68-13-103. Legislative findings.**

The general assembly finds and declares that:

(1) Every person has a fundamental right to make decisions about the person's reproductive health care, including the fundamental right to use or refuse contraceptive procedures or contraceptive supplies as defined in § 68-34-102;

(2) A pregnant person has a fundamental right to continue a pregnancy and give birth in the location of the person's choice with the support person and provider of the person's choice consistent with the person's values and morals or faith tradition;

(3) A pregnant person has a fundamental right to have an abortion and to make decisions on how to exercise such right in the person's own community with the support person and provider of the person's choice consistent with the person's values and morals or faith tradition; and

(4) A fertilized egg, embryo, or fetus does not have independent or derivative rights under the laws of this state.

**68-13-104. State interference with fundamental rights prohibited.**

This state, or a department, agency, entity, or political subdivision of this state, shall not:

(1) Deny, restrict, interfere with, or discriminate against a person's fundamental rights described in § 68-13-103 in the regulation or provision of benefits, facilities, services, or information;

(2) Criminalize an action taken by a person in the exercise of the person's fundamental rights described in § 68-13-103; or

(3) Deprive, through prosecution, punishment, or other means, an individual of the right to act or refrain from acting during the individual's own

pregnancy based on the potential, actual, or perceived impact on the pregnancy, the pregnancy's outcomes, or the pregnant individual's health.

SECTION 2. Tennessee Code Annotated, Section 4-8-305, is amended by deleting the section.

SECTION 3. Tennessee Code Annotated, Section 5-9-115, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 6-56-113, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 7-3-106, is amended by deleting the section.

SECTION 6. Tennessee Code Annotated, Section 20-5-106, is amended by deleting subsection (d).

SECTION 7. Tennessee Code Annotated, Section 29-34-212, is amended by deleting subsection (c).

SECTION 8. Tennessee Code Annotated, Title 37, Chapter 10, Part 3, is amended by deleting the part.

SECTION 9. Tennessee Code Annotated, Section 39-13-107, is amended by deleting the section.

SECTION 10. Tennessee Code Annotated, Section 39-13-214, is amended by deleting the section.

SECTION 11. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by deleting the part.

SECTION 12. Tennessee Code Annotated, Section 49-6-1303, is amended by deleting subsection (c).

SECTION 13. Tennessee Code Annotated, Section 49-6-1304, is amended by deleting subsection (c).

SECTION 14. Tennessee Code Annotated, Section 53-10-104, is amended by deleting subsection (c).

SECTION 15. Tennessee Code Annotated, Section 56-26-134, is amended by deleting the section and substituting:

A healthcare plan required to be established in this state through an exchange pursuant to federal healthcare reform legislation enacted by the 111th Congress shall offer coverage for reproductive health care, as defined in § 68-13-102.

SECTION 16. Tennessee Code Annotated, Title 63, Chapter 6, Part 11, is amended by deleting the part.

SECTION 17. Tennessee Code Annotated, Section 63-1-155, is amended by deleting subsection (e).

SECTION 18. Tennessee Code Annotated, Section 68-1-119, is amended by deleting subsection (e) and substituting:

(e) This section does not affect or replace another reporting responsibility placed upon ASTCs.

SECTION 19. Tennessee Code Annotated, Section 68-3-103(6), is amended by deleting the subdivision.

SECTION 20. Tennessee Code Annotated, Section 68-3-505, is amended by deleting the section.

SECTION 21. Tennessee Code Annotated, Section 68-3-506, is amended by deleting the section.

SECTION 22. Tennessee Code Annotated, Section 68-11-201, is amended by deleting subdivision (3) and substituting:

(3) "Ambulatory surgical treatment center" means any institution, place, or building devoted primarily to the maintenance and operation of a facility for the performance of surgical procedures. Such facilities shall not provide beds or other accommodations for the stay of a patient to exceed twelve (12) hours' duration; provided, that the length of stay may be extended for an additional twelve (12) hours in the event such stay is deemed necessary by the attending physician, the facility medical director, or the anesthesiologist for observation or recovery, but in no event shall the length of stay exceed twenty-four (24) hours. Individual patients must be discharged in an ambulatory condition without danger to the continued well-being of the patients or transferred to a hospital;

SECTION 23. Tennessee Code Annotated, Section 68-11-210, is amended by deleting subdivision (b)(3).

SECTION 24. Tennessee Code Annotated, Section 68-11-223, is amended by deleting the section.

SECTION 25. Tennessee Code Annotated, Section 68-11-303(a), is amended by deleting the language "including records pertaining to abortions as provided in § 39-15-203,".

SECTION 26. Tennessee Code Annotated, Section 71-5-157, is amended by deleting the section.

SECTION 27. This act takes effect upon becoming a law, the public welfare requiring it.