



# State of Tennessee

## PUBLIC CHAPTER NO. 1032

### SENATE BILL NO. 1971

By Rose, Haile, Pody, Lundberg

Substituted for: House Bill No. 1895

By Zachary, Faison, Grills, Lamberth, Fritts, Hawk, Hill, Sherrell, Butler, Moody, Powers, Williams, Alexander, Tim Hicks, Brock Martin, Bulso, Capley, Barrett, Richey, Lynn, Leatherwood, Keisling, Eldridge, Littleton, McCalmon, Cochran, Burkhart, Vital, Carringer, Warner

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6; Title 29; Title 37 and Title 39, relative to abortion.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following as a new section:

(a) An adult commits the offense of abortion trafficking of a minor if the adult intentionally recruits, harbors, or transports a pregnant unemancipated minor within this state for the purpose of:

(1) Concealing an act that would constitute a criminal abortion under § 39-15-213 from the parents or legal guardian of the pregnant unemancipated minor;

(2) Procuring an act that would constitute a criminal abortion under § 39-15-213 for the pregnant unemancipated minor, regardless of where the abortion is to be procured; or

(3) Obtaining an abortion-inducing drug for the pregnant unemancipated minor for the purpose of an act that would constitute a criminal abortion under § 39-15-213, regardless of where the abortion-inducing drug is obtained.

(b) A violation of subsection (a) is a Class A misdemeanor and shall be punished by imprisonment for eleven (11) months and twenty-nine (29) days.

(c) This section does not apply to:

(1) The parents or legal guardian of the unemancipated minor;

(2) A person who has obtained the written, notarized consent of the unemancipated minor's parent or legal guardian;

(3) A common carrier transporting passengers in the course and scope of their business; or

(4) An ambulance driver or operator and any corresponding emergency medical services personnel, as defined in § 68-140-302, acting within the course and scope of their duties.

(d) It is not a defense to a prosecution under this section that the pregnant minor consented to the actions in subsection (a).

(e)(1) A person who violates subsection (a) may be held liable in a civil action for the wrongful death of an unborn child who was aborted.

(2) The civil action may be brought on behalf of the unborn child by:

(A) The biological mother of the unborn child;

(B) The biological father of the unborn child, unless the pregnancy resulted from an act committed by the biological father that constitutes an act of:

(i) Aggravated rape, as defined in § 39-13-502;

(ii) Rape, as defined in § 39-13-503;

(iii) Statutory rape or aggravated statutory rape, as defined in § 39-13-506;

(iv) Rape of a child, as defined in § 39-13-522;

(v) Aggravated rape of a child, as defined in § 39-13-531;

(vi) Statutory rape by an authority figure, as defined in § 39-13-532;

(vii) Especially aggravated rape, as defined in § 39-13-534;

(viii) Especially aggravated rape of a child, as defined in § 39-13-535; or

(ix) Incest, as defined in § 39-15-302; or

(C) A parent or legal guardian of the unemancipated minor.

(3) In a civil action arising from a violation of this section, the plaintiff may recover from the person who violated subsection (a):

(A) Economic damages;

(B) Noneconomic damages;

(C) Punitive damages; and

(D) Reasonable attorney fees and court costs.

(4) As used in this subsection (e), "unborn child" means an individual living member of the species, homo sapiens, at any stage of gestation in utero.

(f)(1) This section does not apply to the provision of a medical diagnosis or consultation regarding pregnancy care of an unemancipated minor.

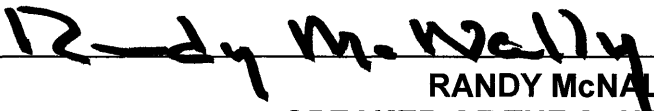
(2) As used in this subsection (f), a medical diagnosis or consultation regarding pregnancy care does not include performing or attempting to perform an abortion, as defined in § 39-15-213, or arranging for travel for the unemancipated minor to procure an abortion or an abortion-inducing drug without the consent of the unemancipated minor's parent or legal guardian.

(3) This section does not prohibit a licensed physician or another person from calling an ambulance for a minor patient if a medical emergency, as defined in § 39-15-218, exists.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.


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PASSED: April 24, 2024

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 20<sup>th</sup> day of May 2024

  
BILL LEE, GOVERNOR