

HOUSE BILL 101

By Glynn

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39; Title 63 and Title 68, relative to abortion.

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

SECTION 1. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsection (b) and substituting instead the following:

(b) Except as provided in subsection (c), a person who performs or attempts to perform an abortion commits the offense of criminal abortion. Criminal abortion is a Class C felony.

SECTION 2. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsection (c) and substituting instead the following:

(c) This section does not apply to an abortion that is:

(1) Performed under the following circumstances:

(A) Performed or attempted by a licensed physician;

(B) The physician determined, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman; and

(C) The physician performs or attempts to perform the abortion in the manner which, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, provides the best opportunity for the unborn child to survive, unless in the physician's good faith medical judgment, termination of the pregnancy in that manner

would pose a greater risk of the death of the pregnant woman or substantial and irreversible impairment of a major bodily function; or

(2) Performed on a patient whose pregnancy is the result of aggravated rape, as defined by § 39-13-502; rape, as defined by § 39-13-503; rape of a child, as defined by § 39-13-522; especially aggravated rape, as defined by § 39-13-534; especially aggravated rape of a child, as defined by § 39-13-535; or incest, as defined by § 39-15-302, provided that the physician performing the abortion must confirm that the patient reported the offense to the appropriate law enforcement agency prior to the procedure.

SECTION 3. Tennessee Code Annotated, Title 38, Chapter 1, Part 1, is amended by adding the following new section:

Notwithstanding another law to the contrary, a law enforcement officer may confirm the existence of a law enforcement report of an alleged aggravated rape, as defined by § 39-13-502; rape, as defined by § 39-13-503; rape of a child, as defined by § 39-13-522; especially aggravated rape, as defined by § 39-13-534; especially aggravated rape of a child, as defined by § 39-13-535; or incest, as defined by § 39-15-302 and the identity of the victim of the offense to a physician, if the confirmation is required by § 39-15-213(c)(2).

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.