

HOUSE BILL 778

By Helton-Haynes

AN ACT to amend Tennessee Code Annotated, Title 37;  
Title 39; Title 56; Title 63; Title 68 and Title 71,  
relative to abortion.

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

SECTION 1. Tennessee Code Annotated, Section 39-15-213(a), is amended by adding the following new subdivisions:

( ) "Elective abortion" means any abortion that is not a medically necessary abortion;

( ) "Medically necessary abortion" means:

(A) An abortion that is 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. No abortion shall be deemed medically necessary if performed on the basis of a claim or a diagnosis that the woman will engage in conduct that would result in her death or substantial and irreversible impairment of a major bodily function or for any reason relating to her mental health; 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. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct that would result in her death or substantial and irreversible impairment of a major bodily function or for any reason relating to her mental health;

SECTION 2. Tennessee Code Annotated, Section 39-15-213(b), is amended by deleting the language "A person who performs or attempts to perform an abortion commits the offense of criminal abortion." and substituting instead the language "A person who performs or attempts to perform an elective abortion commits the offense of criminal abortion.".

SECTION 3. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsection (c).

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.