

HOUSE BILL 829

By Camper

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 20; 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:

(a) This act is known and may be cited as the "Fundamental Right to
Reproductive Health Care Act."

(b) As used in this section:

(1) "Abortion" means the use of any instrument, medicine, drug, or any
other 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" means the human reproductive process, beginning with
the implantation of an embryo; and

(3) "Reproductive health care" means health care and other medical
services related to the reproductive processes, functions, and systems at all
stages of life and includes, but is not limited to, family planning and contraceptive
care; abortion care; prenatal, postnatal, labor and delivery care; fertility care;
sterilization services; and treatments for sexually transmitted infections and
reproductive cancers.

(c) 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.

(d) A pregnant person has a fundamental right to continue a pregnancy and give birth or to have an abortion and to make decisions about how to exercise that right.

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

(f) The 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 subsections (c) or (d) in the regulation or provision of benefits, facilities, services, or information;

(2) Criminalize any actions taken by a person in the exercise of the person's fundamental rights described in subsections (c) or (d); or

(3) Deprive, through prosecution, punishment, or other means, a person of the person's right to act or refrain from acting during the person's own pregnancy based on the potential, actual, or perceived impact on the pregnancy, the pregnancy's outcomes, or the pregnant person's health.

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

SECTION 3. Tennessee Code Annotated, Section 20-5-106, is amended by deleting subsection (d).

SECTION 4. Tennessee Code Annotated, Section 39-13-107, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 39-13-214, is amended by deleting the section in its entirety.

SECTION 6. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by deleting the part in its entirety.

SECTION 7. Tennessee Code Annotated, Section 49-6-1303(c), is amended by deleting the subsection in its entirety.

SECTION 8. Tennessee Code Annotated, Section 53-10-104(c), is amended by deleting the subsection in its entirety.

SECTION 9. Tennessee Code Annotated, Section 56-26-134, is amended by deleting the language "No health care plan" and substituting instead "Any healthcare plan".

SECTION 10. Tennessee Code Annotated, Section 56-26-134, is amended by deleting "in § 39-15-201" and substituting instead "in the Fundamental Right to Reproductive Health Care Act, codified in Section 1".

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

SECTION 12. Tennessee Code Annotated, Section 68-3-103(6), is amended by deleting the subdivision in its entirety.

SECTION 13. Tennessee Code Annotated, Section 68-3-505, is amended by deleting the section in its entirety.

SECTION 14. Tennessee Code Annotated, Section 68-3-506, is amended by deleting the section in its entirety.

SECTION 15. Tennessee Code Annotated, Section 68-11-201, is amended by deleting subdivision (3) and substituting instead:

(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 shall be discharged in an ambulatory condition without danger to the continued well-being of the patients or shall be transferred to a hospital;

SECTION 16. Tennessee Code Annotated, Section 68-11-210(b)(3), is amended by deleting the subdivision.

SECTION 17. Tennessee Code Annotated, Section 68-11-223, is amended by deleting the section in its entirety.

SECTION 18. Tennessee Code Annotated, Section 68-11-303(a), is amended by deleting "including records pertaining to abortions as provided in § 39-15-203,".

SECTION 19. Tennessee Code Annotated, Section 71-5-157, is amended by deleting the section in its entirety.

SECTION 20. This act takes effect upon becoming a law, the public welfare requiring it.