

SENATE BILL 1971

By Rose

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 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 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 C felony.

(c) This section does not apply to the parents or legal guardian of an unemancipated minor.

(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 that 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 of rape, as defined in § 39-13-503, or incest, as defined in § 39-15-302, committed by the biological father; or

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

(3) In a civil action brought pursuant to 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" has the same meaning as defined in § 39-15-213.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.