House Public Health Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 1236 **House Bill No. 77***

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-201, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 39-15-211(a), is amended by deleting the language "As used in this section and in § 39-15-212" and substituting instead "As used in this part".

SECTION 3. Tennessee Code Annotated, Section 39-15-211(a)(4), is amended by deleting the language "'Pregnant' means" and substituting instead the language "'Pregnancy' and 'pregnant' mean".

SECTION 4. Tennessee Code Annotated, Section 39-15-211(a)(7), is amended by deleting the subdivision and substituting the following:

(7) "Viable" and "viability" mean the presence of an intrauterine fetus with a heartbeat.

SECTION 5. Tennessee Code Annotated, Section 39-15-211(b), is amended by deleting the language "when the unborn child is viable" in subdivision (b)(1) and substituting instead "when the pregnancy is viable"; by deleting the language "The unborn child was not viable" in subdivision (b)(2)(A) and substituting instead "The pregnancy was not viable"; and by deleting the language "the unborn child is not viable" in subdivision (b)(3) and substituting instead the language "the pregnancy is not viable".

SECTION 6. Tennessee Code Annotated, Section 39-15-211(b)(5), is amended by deleting the subdivision.

SECTION 7. Tennessee Code Annotated, Section 39-15-212, is amended by deleting the section and substituting instead the following:

(a)

(1) Except in a medical emergency that prevents compliance with this subsection (a), a physician shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman, unless, prior to the performance or inducement of the abortion, or the attempt to perform or induce the abortion, the physician determines, in the physician's good faith medical judgment, that the pregnancy is not viable.

(2) In making a determination under subdivision (a)(1), the physician shall use a test that is:

(A) Consistent with the physician's good faith understanding of standard medical practice; and

(B) Appropriate for the estimated gestational age of the unborn child and the condition of the pregnant woman and the woman's pregnancy.

(b) Except in a medical emergency that prevents compliance with this subsection (b), a physician making a determination under subdivision (a)(1) shall record in the pregnant woman's medical record the estimated gestational age of the unborn child, the test used for detecting a fetal heartbeat, the date and time of the test, and the results of the test.

(c) A violation of subsection (a) or (b) is a Class A misdemeanor.

(d) The appropriate licensing authority shall suspend, for a period of not less than six (6) months, the medical license of a physician who violates subsection (a) or (b).

SECTION 8. Tennessee Code Annotated, Section 39-15-202(b)(3), is amended by deleting the subdivision and substituting instead the following:

(3) That if a child is prematurely born alive in the course of an abortion, the physician performing the abortion has a legal obligation to take steps to preserve the life and health of the child;

SECTION 9. Tennessee Code Annotated, Section 39-15-211, is amended by redesignating the section to be Section 39-15-201.

SECTION 10. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable; provided, however, if any substantive revision to Tennessee Code Annotated, Section 39-15-201, 39-15-202, 39-15-211, or 39-15-212 under this act is finally adjudicated as unconstitutional, then those sections as they existed prior to this act's effective date will be revived.

SECTION 11. This act shall take effect July 1, 2019, the public welfare requiring it.