



# State of Tennessee

## PUBLIC CHAPTER NO. 1003

### SENATE BILL NO. 2568

By **Norris, Roberts, Stevens, Bell, Bowling, Gresham, Bailey, Beavers, Haile, Hensley, Jackson**

Substituted for: House Bill No. 2577

By McCormick, Kevin Brooks, Dunn, Lynn, Littleton, Powers, Zachary, Howell, Casada, Matthew Hill, Kane, Moody, Eldridge, Williams, Timothy Hill, Durham, Dunlap, Mark White, Wirgau, Jerry Sexton, Byrd, Womick, DeBerry, Lamberth, Dawn White, Cameron Sexton, Windle, Rogers, Terry, McManus

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 2 and Title 68, relative to the reporting and tracking of fetal remains.

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

SECTION 1. Tennessee Code Annotated, Section 39-15-203, is amended by deleting the section and replacing it with the following language:

(a) A physician performing an abortion shall keep a record of each procedure and of the disposition of the aborted fetus or aborted fetal tissue. The physician shall make a report to the commissioner of health with respect thereto at the time and in the form as the commissioner may reasonably prescribe. If the procedure is solely a medication termination and the expulsion of the aborted fetus or aborted fetal tissue does not take place at the facility or clinic where the procedure took place, the physician shall not be required to keep a record of the disposition or report such disposition to the commissioner.

(b)(1) The physician shall note in the section regarding the disposition of the aborted fetus or aborted fetal tissue the method of disposition.

(2) If the aborted fetus or aborted fetal tissue is transferred to a third party for disposition, the name and address of that third party, and the date of the transfer, shall be included on the report.

(c) The method of disposition of an aborted fetus or aborted fetal tissue shall be in conformity with the rules of the board for licensing healthcare facilities.

(d) Each record and report made pursuant to this section shall be confidential in nature and shall not be public record open for inspection.

SECTION 2. Tennessee Code Annotated, Section 39-15-208(b), is amended by deleting the subsection and replacing it with the following language:

(b) No person, agency, corporation, partnership, or association shall offer money, or anything of value, for an aborted fetus or aborted fetal tissue; nor shall any person, agency, corporation, partnership, or association accept any money or anything of value for an aborted fetus or aborted fetal tissue, or offer or accept any reimbursement of any costs associated with the preparation, preservation, transfer, shipping, or handling of an aborted fetus or aborted fetal tissue.

SECTION 3. Tennessee Code Annotated, Section 68-3-103, is amended by adding the following language as a new, appropriately designated subdivision:

( ) Make and amend rules and regulations necessary for the tracking and disposition of an aborted fetus or aborted fetal tissue resulting from surgical abortions.

SECTION 4. Tennessee Code Annotated, Section 68-3-505(a), is amended by deleting the subsection in its entirety and substituting instead the following language:

(a) Each induced termination of pregnancy that occurs in this state shall be reported to the office of vital records within ten (10) days after the procedure by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, the attending physician shall prepare and file the report. Each such report shall indicate whether the abortion involved a surgical procedure and, if so, which method was employed, and shall indicate which method authorized by the rules of the board for licensing healthcare facilities was employed to dispose of the aborted fetus or aborted fetal tissue. If the aborted fetus or aborted fetal tissue was transferred to a third party for disposition, the report shall indicate the name and address of the third party and the date of the transfer.

SECTION 5. Tennessee Code Annotated, Section 68-3-506, is amended by deleting the section in its entirety and substituting instead the following language:

(a) Prior to final disposition of a dead fetus, regardless of the duration of pregnancy, the funeral director, the person in charge of the institution, or other person assuming responsibility for final disposition of the fetus, shall obtain from the mother authorization for final disposition on a form prescribed and furnished, or approved by the state registrar.

(b) When the demise of the fetus is the result of a surgical abortion, a copy of the mother's authorization for disposition, specifying the means of the disposition, shall be appended to the informed consent signed by the mother prior to the procedure pursuant to § 39-15-202.

(c) After final disposition, the authorization shall be retained for a period of three (3) years by the funeral director, the person in charge of the institution, or other person making the final disposition.

SECTION 6. Tennessee Code Annotated, Section 68-11-210, is amended by adding the following language as subsection (b) and renumbering the existing subsections accordingly:

(b)(1)(A) Each facility licensed pursuant to this title and performing more than fifty (50) surgical abortions in a year shall conduct a mandatory interim assessment of the facility's compliance with quality measures as specified by the board, in addition to regular inspections conducted pursuant to this section.

(B) Such mandatory interim compliance assessment shall include contents prescribed by the board.

(C) The facility shall develop a plan of correction with appropriate time for correction of any deficiency discovered in connection with an interim assessment and shall submit the plan of correction to the department.

(D) The department is authorized to accept the plan or timeline for correction or to request changes in the plan of correction or the timeline for compliance.

(2)(A) Each facility licensed pursuant to this title and performing more than fifty (50) surgical abortions in a year shall report sentinel events.

(B) The board shall provide interpretive guidelines to facilities regarding the meaning of sentinel event.

(C) The department is authorized to require the facility to provide a plan of correction for preventing future occurrence of the reported sentinel event.

(3) In addition to reporting sentinel events, each facility in which a surgical abortion is performed shall make and maintain a record of the disposition of the aborted fetus or aborted fetal tissue as required in § 68-3-505(a) and shall produce such records at the time of an inspection of the facility and upon request from the department.

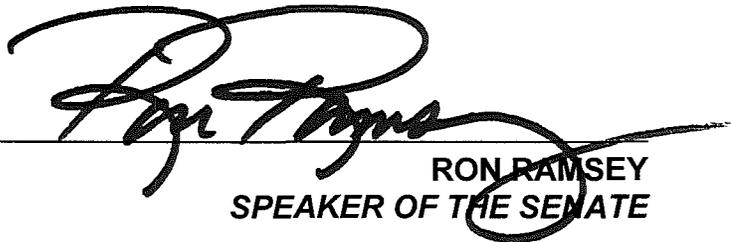
(4) Failure to comply with any of the provisions of this subsection (b) shall be grounds for discipline by the board pursuant to this chapter.

SECTION 7. Notwithstanding this act or the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5, any rule promulgated to implement the provisions of this act shall be provided to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of conducting the review required by § 4-5-226 in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

SECTION 8. This act shall take effect up on becoming a law, the public welfare requiring it.

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PASSED: April 18, 2016

  
RON RAMSEY  
SPEAKER OF THE SENATE

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 27<sup>th</sup> day of April 2016

  
BILL HASLAM, GOVERNOR