

Amendment No. 1 to SB1391

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 1391

House Bill No. 1295*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-107(c), is amended by inserting the word "lawful" before the word "act" and inserting the word "lawful" before the word "omission".

SECTION 2. Tennessee Code Annotated, Section 39-13-107(c), is amended by designating the existing language as subdivision (c)(1) and by adding the following new subdivisions:

(2) Notwithstanding subdivision (c)(1), nothing in this section shall preclude prosecution of a woman for assault under § 39-13-101 for the illegal use of a narcotic drug, as defined in § 39-17-402, while pregnant, if her child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of her illegal use of a narcotic drug taken while pregnant.

(3) It is an affirmative defense to a prosecution permitted by subdivision (c)(2) that the woman actively enrolled in an addiction recovery program before the child is born, remained in the program after delivery, and successfully completed the program, regardless of whether the child was born addicted to or harmed by the narcotic drug.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it and shall cease to be effective July 1, 2016.