

SENATE BILL 449

By Massey

AN ACT to amend Tennessee Code Annotated, Title 63
and Title 68, relative to reproductive health care.

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

SECTION 1. This act is known and may be cited as the "Fertility Treatment and
Contraceptive Protection Act."

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Contraception" means an action taken to prevent pregnancy,
including the use of contraceptives, emergency contraceptives, fertility
awareness-based methods, and sterilization procedures;

(2) "Contraceptive" means any device, medication, biological product, or
procedure that is intended for use in the prevention of pregnancy, whether
specifically intended to prevent pregnancy or for other health needs, and that is
legally marketed under the federal Food, Drug, and Cosmetic Act (21 U.S.C. §
301 et seq.); and

(3) "Fertility treatment" includes:

(A) The preservation of human oocytes, sperm, or embryos for
later reproductive use;

(B) Artificial insemination, including intravaginal insemination,
intracervical insemination, and intrauterine insemination;

(C) Assisted reproductive technology, including in vitro fertilization
and other treatments or procedures in which reproductive genetic

material, such as oocytes, sperm, fertilized eggs, and embryos, are handled;

(D) Genetic testing of embryos;

(E) Medication prescribed or obtained over-the-counter, as indicated for fertility;

(F) Gamete donation; and

(G) Other information, referrals, treatments, procedures, medications, laboratory testing, technologies, or services relating to fertility.

(b) Notwithstanding another law, an individual has a right to engage in activities associated with fertility treatment and contraception. The laws of this state do not prohibit an activity associated with fertility treatment or contraception. The law of this state clearly and unambiguously acknowledges the right of an individual to perform, and the right of an individual to receive or use, fertility treatment and contraceptives in this state.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.