

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

RACHEL WELTY and	§	
AFTYN BEHN,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Case No. _____
	§	
BRYANT C. DUNAWAY,	§	
JASON LAWSON,	§	
JENNINGS H. JONES,	§	
ROBERT J. CARTER,	§	
RAY WHITLEY, ROBERT J. NASH,	§	
GLENN FUNK, STACEY EDMONSON,	§	
BRENT COOPER, RAY CROUCH, and	§	
HANS SCHWENDIMANN,	§	
	§	
<i>Defendants.</i>	§	

VERIFIED COMPLAINT

I. INTRODUCTION

1. Beginning July 1, 2024, Tennessee will criminalize both pure speech about legal abortion care and helping young people access legal abortion care. In particular, when Public Chapter No. 1032 takes effect, Tennessee law will provide that:

(a) An adult commits the offense of abortion trafficking of a minor if the adult intentionally recruits, harbors, or transports a pregnant unemancipated minor within this state for the purpose of:

...

(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 A misdemeanor and shall be punished by imprisonment for eleven (11) months and twenty-nine (29) days.

Ex. 1, Public Chapter No. 1032.

2. The effect of Public Chapter No. 1032—which is also its intended purpose—is to criminalize helping a pregnant unemancipated minor obtain *legal* abortion care “regardless of where the abortion is to be procured” and “regardless of where the abortion-inducing drug is obtained.” Thus, beginning July 1, 2024, helping a pregnant unemancipated minor obtain a legal abortion will be a crime in Tennessee.

3. In addition to criminalizing assistance obtaining legal abortion care, Public Chapter No. 1032 separately criminalizes pure speech about such care. In particular, an adult who intentionally “recruits” a pregnant unemancipated minor in Tennessee for the purpose of either procuring a legal abortion out of state or obtaining a legal abortion-inducing drug will risk criminal prosecution and “imprisonment for eleven (11) months and twenty-nine (29) days.”

4. The word “recruits”—which is susceptible to many different definitions—is undefined by Public Chapter No. 1032. The Defendant District Attorneys who are tasked with enforcing Public Chapter No. 1032 have also refused to clarify its meaning. These failures render the prohibition unconstitutionally vague.

5. Regardless of how “recruits” is defined, the prohibition criminalizes pure speech based on its content and the viewpoint a speaker expresses. The First Amendment prohibits such content- and viewpoint-based censorship, though. Furthermore, by criminalizing so much constitutionally protected speech, Section 1 of Public Chapter No.

1032 is unconstitutionally overbroad.

6. For these reasons, this Court should declare Section 1 of Public Chapter No. 1032 unconstitutional—both facially and as applied to the Plaintiffs—and it should permanently enjoin the Defendants from enforcing Section 1 of Public Chapter No. 1032.

II. PARTIES

7. Plaintiff Rachel Welty is a Tennessee citizen and a resident of Davidson County. She may be contacted through counsel.

8. Plaintiff Aftyn Behn is a Tennessee citizen and a resident of Davidson County. Representative Behn is also an elected Representative of the Tennessee General Assembly. Representative Behn may be contacted through counsel.

9. The Defendants—Bryant C. Dunaway, Jason Lawson, Jennings H. Jones, Robert J. Carter, Ray Whitley, Robert J. Nash, Glenn Funk, Stacey Edmonson, Brent Cooper, Ray Crouch, and Hans Schwendimann—are Tennessee’s elected District Attorneys General for Tennessee’s 13th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd and 32nd judicial districts, which encompass Middle Tennessee. Each Defendant has criminal enforcement authority and an affirmative statutory obligation to “prosecute in the courts of the district all violations of the state criminal statutes and perform all prosecutorial functions attendant thereto[.]” Tenn. Code Ann. § 8-7-103(1). Each Defendant may be served through the Tennessee Attorney General. The Defendants are sued in their official capacities only.

III. JURISDICTION AND VENUE

10. This Court has jurisdiction over the Plaintiffs’ federal claims in this civil action pursuant to 28 U.S.C. § 1331.

11. As the judicial district where one or more Defendants reside and where a

substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred, venue is proper here pursuant to 28 U.S.C. § 1391(b)(1)–(2).

IV. FACTUAL ALLEGATIONS

A. PLAINTIFF RACHEL WELTY

12. Plaintiff Rachel Welty is an outspoken and unapologetic advocate for safe and healthy access to abortion care.

13. In her role as an advocate for safe and healthy access to abortion care, Ms. Welty has on many occasions participated in informational campaigns and distributed literature about abortion access, including how to access legal abortion-inducing drugs. Some examples of literature Ms. Welty has distributed are attached to this complaint as **Ex. 2**.

14. Most of Ms. Welty's advocacy is concentrated in the Middle Tennessee area, including in each of the Defendants' judicial districts.

15. Ms. Welty is also a member of an abortion fund that provides resources to clients who need safe and healthy access to legal abortion medication and legal out-of-state abortion care that they can no longer obtain in Tennessee.

16. Ms. Welty's advocacy for safe and healthy access to legal abortion care is not hidden, and it is not intended to be.

17. Ms. Welty advocates—accurately—that “[a]bortion is safe, common, and normal[.]”

18. Ms. Welty advocates for and helps facilitate Tennesseans' access to legal abortion care, including out-of-state abortion care and abortion-inducing drugs.

19. Ms. Welty's advocacy is not limited to emancipated minors or to Tennesseans who happen to be over the age of 18, and it is not intended to be.

20. Ms. Welty—an attorney—is well-known in Tennessee for helping pregnant, unemancipated minors receive access to legal abortion care, having handled “judicial bypass” representations for years before that legal avenue to abortion care was eliminated. *See Ex. 3*, Paige Pflieger, *Tennessee teens can no longer seek judicial bypass for abortions*, NPR (Sep. 9, 2022), <https://www.npr.org/2022/09/09/1122123601/tennessee-teens-can-no-longer-seek-judicial-bypass-for-abortions> (discussing Ms. Welty’s work helping young teens—many of whom were victims of rape and incest—obtain judicial bypasses to access abortion care).

21. As a result of that work, Ms. Welty still receives calls from pregnant, unemancipated minors who want assistance accessing legal abortion care but do not have parental consent to access it.

22. Ms. Welty has historically helped those clients access legal abortion care.

23. Ms. Welty would like to continue helping pregnant, unemancipated minors access legal abortion care.

24. Given the foregoing, in anticipation of Public Chapter No. 1032 taking effect, Ms. Welty developed serious concerns that the law—which directly affects her day-to-day operations—would criminalize her advocacy and subject her to civil wrongful death liability.

25. Thus, Ms. Welty sought reasonable notice of what Public Chapter No. 1032 prohibits from the Defendants.

26. In particular, on June 6, 2024, Ms. Welty—through counsel—sent a letter to the Defendants regarding Public Chapter No. 1032’s “recruit[ment] prohibition. *See Ex. 4*, Welty Letter. Ms. Welty specifically asked the Defendants “to please define the proscribed behavior with sufficient particularity to provide a person of ordinary

intelligence with reasonable notice of the conduct that is prohibited.” *Id.* at 2.

27. Ms. Welty asked for a response from the Defendants by 4:30 p.m. CST on June 20, 2024.

28. None of the Defendants responded.

29. Through counsel, Ms. Welty separately expressed to the Defendants her “significant concerns that Public Chapter No. 1032 is constitutionally infirm.” In particular, Ms. Welty noted:

Even setting aside vagueness issues, any reasonable interpretation of the law appears to criminalize pure speech and *advocacy*—a viewpoint-based speech restriction. Worse: the law appears to criminalize advocating for and facilitating access to *legal* abortion care, including abortion care provided out-of-state in compliance with the laws of sovereign jurisdictions.

Id. at 3.

30. Based on these infirmities, Ms. Welty asked each Defendant to “disavow all enforcement of Public Chapter No. 1032’s ‘recruit[ment]’ prohibition against Ms. Welty once the law takes effect.”

31. None of the Defendants disavowed enforcement of Public Chapter No. 1032’s “recruit[ment]” prohibition against Ms. Welty.

32. The scope of Public Chapter No. 1032’s “recruit[ment]” prohibition gives rise to additional criminal liability well beyond its terms, including for related inchoate offenses like criminal attempt, solicitation, and conspiracy, *see* Tenn. Code Ann. § 39-12-107(a)–(c), and for additional crimes like criminal responsibility, *see* Tenn. Code Ann. § 39-11-402(1)–(3).

33. Unless Public Chapter No. 1032’s “recruit[ment]” prohibition is declared unconstitutional and enjoined, Ms. Welty cannot safely continue her advocacy for safe and healthy access to legal abortion care without risking criminal prosecution.

34. Ms. Welty’s fear of being subjected to criminal prosecution for violating Public Chapter No. 1032’s recruitment prohibition if she does not restrict her speech is both objectively and subjectively credible.

35. Especially when paired with the availability of civil enforcement by private parties, the criminal nature of the threat that Ms. Welty faces—a lengthy mandatory-minimum jail sentence following a criminal charge that may be initiated by any law enforcement officer or by an individual citizen through Tennessee’s citizen grand jury process—significantly heightens the risk of chilled expression.

B. PLAINTIFF AFTYN BEHN

36. Plaintiff Aftyn Behn is an elected Representative of the Tennessee General Assembly.

37. Before the bill that ultimately became Public Chapter No. 1032 was considered for a final floor vote, Representative Behn posted publicly in opposition to the bill, pledging to “exercise [her] right to publicly share information about how to seek an abortion which could be considered illegal under this law.” See **Ex. 5**, Behn Tweets, at 4.

38. Representative Behn further stated that she “welcome[s] the opportunity to take a young person out of state who wants to have an abortion even if it lands me in jail.” *Id.* at 5.

39. During the Tennessee House of Representatives’ discussion of the bill that ultimately became Public Chapter No. 1032, another representative sought clarification about the meaning of “recruit[ment]” under the bill. See **Ex. 6** at 20:9–12 (“Mr. Sponsor, I would like to ask you, could you explain in the bill where it talks about an ado -- an adult recruiting these minors, could you explain what that would look like, please?”).

40. On the Tennessee House floor, the primary sponsor of the bill answered the

representative's question as follows:

REPRESENTATIVE ZACHARY: “[U]nfortunately, there’s even a member of this body that recently tweeted out, ‘I welcome the opportunity to take a young person out of state who wants to have an abortion, even if it lands me in jail.’ . . .

REPRESENTATIVE ZACHARY: And so answering the question of recruitment, I’m answering the question of recruitment. Representative, that is what recruitment looks like.

Id. at 21:9–17.

41. According to the sponsor of Public Chapter No. 1032, merely stating: “I welcome the opportunity to take a young person out of state who wants to have an abortion, even if it lands me in jail” is a criminal violation of Public Chapter No. 1032’s “recruit[ment]” prohibition.

42. Representative Behn wants to continue her advocacy for young people who need legal abortion care. However, beginning July 1, 2024, Representative Behn cannot do so safely without risking criminal prosecution.

43. Representative Behn’s fear of being subjected to prosecution for violating Public Chapter No. 1032’s recruitment prohibition is objectively and subjectively credible.

44. Especially when paired with the availability of civil enforcement by private parties, the criminal nature of the threat that Representative Behn faces—a lengthy mandatory-minimum jail sentence following a criminal charge that may be initiated by any law enforcement officer or by an individual citizen through Tennessee’s citizen grand jury process—significantly heightens the risk of chilled expression.

45. As an elected official and legislator, Representative Behn’s chilled expression regarding a matter of obvious public importance is especially destructive. “The manifest function of the First Amendment in a representative government requires

that legislators be given the widest latitude to express their views on issues of policy.” *Bond v. Floyd*, 385 U.S. 116, 135–36 (1966). Put another way: “The role that elected officials play in our society makes it all the more imperative that they be allowed freely to express themselves on matters of current public importance.” *Wood v. Georgia*, 370 U.S. 375, 395 (1962). Thus, chilling Representative Behn’s speech interferes with her role and duty as an elected official and simultaneously violates her constituents’ right to hear and receive information from her.

46. Based on the credible threat of Public Chapter No. 1032 being enforced against her, Ms. Behn cannot safely express herself on matters of current public importance.

V. CAUSES OF ACTION

CLAIM #1: 42 U.S.C. § 1983—VIOLATION OF THE FOURTEENTH AMENDMENT (UNCONSTITUTIONAL VAGUENESS)

47. The Plaintiffs incorporate and reallege the foregoing allegations as if fully set forth herein.

48. “The void-for-vagueness doctrine requires that [a] statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *United States v. Kerns*, 9 F.4th 342, 351 (6th Cir. 2021) (quoting *United States v. Farah*, 766 F.3d 599, 614 (6th Cir. 2014)) (alteration in original).

49. “To withstand a facial challenge [that a statute is unconstitutionally vague], an enactment must define the proscribed behavior with sufficient particularity to provide a person of ordinary intelligence with reasonable notice of prohibited conduct and to

encourage non-arbitrary enforcement of the provision.” *Am. Booksellers Found. for Free Expression v. Strickland*, 601 F.3d 622, 627 (6th Cir. 2010) (quoting *Belle Maer Harbor v. Charter Twp. of Harrison*, 170 F.3d 553, 557 (6th Cir.1999)) (alterations in original).

50. The word “recruits,” as used in Public Chapter No. 1032, is not defined in Public Chapter No. 1032.

51. The word “recruits,” as used in Public Chapter No. 1032, is susceptible to a wide range of potential meanings.

52. The word “recruits,” as used in Public Chapter No. 1032, criminalizes some amount of pure speech.

53. In response to a specific request to clarify the meaning of the word “recruits,” as used in Public Chapter No. 1032, and define its scope, the Defendants have refused.

54. Based on both the undefined nature of the word “recruits,” as used in Public Chapter No. 1032, and the Defendants’ refusal to clarify their own interpretation of the term before Public Chapter No. 1032 takes effect, Public Chapter No. 1032 neither defines the proscribed behavior with sufficient particularity to provide a person of ordinary intelligence with reasonable notice of prohibited conduct nor encourages non-arbitrary enforcement of the provision.

55. As a result, Public Chapter No. 1032’s “recruit[ment]” prohibition is unconstitutionally vague and contravenes the Fourteenth Amendment’s prohibition against vague laws.

56. The uncertain reach of Public Chapter No. 1032’s “recruit[ment]” prohibition subjects disfavored speakers to the credible threat of criminal prosecution, privately-enforced civil wrongful death liability, and a lengthy mandatory-minimum jail

sentence.

57. Absent a declaration that Public Chapter No. 1032’s “recruit[ment]” prohibition is unconstitutionally vague and an injunction enjoining the Defendants from enforcing Public Chapter No. 1032’s unconstitutionally vague “recruit[ment]” prohibition, the Plaintiffs’ intended advocacy about legal out-of-state abortion care and legal medication abortion care will expose the Plaintiffs to a credible threat of prosecution.

CLAIM #2: 42 U.S.C. § 1983—VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS
(CONTENT- AND VIEWPOINT-BASED SPEECH DISCRIMINATION)

58. The Plaintiffs incorporate and reallege the foregoing allegations as if fully set forth herein.

59. Public Chapter No. 1032’s “recruit[ment]” prohibition criminalizes, among other things, pure speech.

60. Public Chapter No. 1032’s “recruit[ment]” prohibition criminalizes, among other things, pure speech based on its content.

61. Public Chapter No. 1032’s “recruit[ment]” prohibition is not limited to speech that is integral to, or that is intended to bring about, unlawful conduct. *Cf. United States v. Hansen*, 599 U.S. 762, 783 (2023) (“To the extent that clause (iv) reaches any speech, it stretches no further than speech integral to unlawful conduct. . . . Speech intended to bring about a particular unlawful act has no social value; therefore, it is unprotected.”).

62. Instead, by applying to “recruit[ment]” for the purpose of: (1) procuring an abortion “regardless of where [an] abortion is to be procured” (including in jurisdictions where abortion care is legal) and (2) “regardless of where [an] abortion-inducing drug is

obtained” (including legally), Public Chapter No. 1032’s “recruit[ment]” prohibition criminalizes—and it is intended to criminalize—pure speech about *legal* abortion care.

63. Moments before the bill that became Public Chapter No. 1032 passed the Tennessee House of Representatives, the sponsor of Public Chapter No. 1032 asserted, in response to a specific request for clarification about the meaning of Public Chapter No. 1032’s “recruit[ment]” prohibition, that it would criminalize Representative Behn’s pure speech.

64. Whatever “recruit” means, as used in Public Chapter No. 1032, Tennessee law does *not* criminalize recruiting unemancipated minors for the purpose of *forgoing* legal abortion care.

65. Whatever “recruit” means, as used in Public Chapter No. 1032, Tennessee law *does* criminalize recruiting unemancipated minors for the purpose of *procuring* legal abortion care.

66. Public Chapter No. 1032’s “recruit[ment]” prohibition thus criminalizes speech based on the viewpoint the speaker expresses, thereby favoring the Tennessee government’s anti-abortion views while criminalizing opposing advocacy.

67. As a result, Public Chapter No. 1032’s content- and viewpoint-based “recruit[ment]” prohibition is presumptively unconstitutional on its face.

68. No compelling governmental interest supports Public Chapter No. 1032’s recruit[ment]” prohibition.

69. Public Chapter No. 1032’s recruit[ment]” prohibition is not the least restrictive means of furthering any compelling governmental interest.

70. Public Chapter No. 1032’s recruit[ment]” prohibition is fatally overinclusive, criminalizing more speech than is necessary to further any compelling

governmental interest.

71. Public Chapter No. 1032’s recruit[ment]” prohibition is simultaneously fatally underinclusive, giving waivers to some speakers (including any non-adult) while denying them to others. *Cf. Thomas v. Chicago Park Dist.*, 534 U.S. 316, 325 (2002) (“Granting waivers to favored speakers (or, more precisely, denying them to disfavored speakers) would of course be unconstitutional[.]”); *Greater New Orleans Broad. Ass’n v. United States*, 527 U.S. 173, 194 (1999) (“[D]ecisions that select among speakers conveying virtually identical messages are in serious tension with the principles undergirding the First Amendment.”).

72. Apart from its facial invalidity, Public Chapter No. 1032 is unconstitutional as applied to the Plaintiffs’ intended speech.

73. Absent a declaration that Public Chapter No. 1032’s “recruit[ment]” prohibition violates the Plaintiffs’ freedom of speech and an injunction enjoining the Defendants from enforcing Public Chapter No. 1032’s “recruit[ment]” prohibition against the Plaintiffs, the Plaintiffs’ intended advocacy about lawful out-of-state abortion care and medication abortion care will expose the Plaintiffs to a credible threat of prosecution.

CLAIM #3: 42 U.S.C. § 1983—VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS
(UNCONSTITUTIONAL OVERBREADTH)

74. The Plaintiffs incorporate and reallege the foregoing allegations as if fully set forth herein.

75. Under the overbreadth doctrine, if a “statute ‘prohibits a substantial amount of protected speech’ relative to its ‘plainly legitimate sweep,’ then society’s interest in free expression outweighs its interest in the statute’s lawful applications, and a court will hold the law facially invalid.” *Hansen*, 599 U.S. at 770.

76. By expressly providing that its criminal prohibition applies to “recruit[ment]” for the purpose of: (1) procuring an abortion “regardless of where [an] abortion is to be procured” (including in jurisdictions where abortion care is legal) and (2) “regardless of where [an] abortion-inducing drug is obtained” (including legally), Public Chapter No. 1032 criminalizes a great deal of pure speech about legal abortion care.

77. Supporting and advocating for legal abortion care is protected speech.

78. Criminalizing support and advocacy for legal abortion care is unconstitutional.

79. Public Chapter No. 1032’s “recruit[ment]” provision prohibits a substantial amount of protected speech relative to its plainly legitimate sweep.

80. The unconstitutional applications of Public Chapter No. 1032’s “recruit[ment]” provision are “realistic, not fanciful.” Indeed, the unconstitutional applications of Public Chapter No. 1032’s “recruit[ment]” provision are the heart of the law.

81. The unconstitutional applications of Public Chapter No. 1032’s “recruit[ment]” provision are substantially disproportionate to the statute’s lawful sweep.

82. The unconstitutional applications of Public Chapter No. 1032’s “recruit[ment]” provision are intended by and integral to the law.

83. For these reasons, the Plaintiffs are entitled to obtain the “strong medicine” of facial invalidation of Public Chapter No. 1032’s “recruit[ment]” provision to vindicate the rights of the silenced as well as society’s broader interests in hearing them speak.

* * *

84. The Plaintiffs’ Declarations verifying the truth of the above allegations are attached to this Verified Complaint as **Ex. 7** (Decl. of Rachel Welty) and **Ex. 8** (Decl. of

Aftyn Behn).

VI. PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray for the following relief:

1. That proper process issue and be served on the Defendants, and that the Defendants be required to appear and answer this Complaint within the time required by law.
2. That Section 1 of Public Chapter No. 1032 be declared unconstitutional.
3. That the Defendants be permanently enjoined from enforcing Section 1 of Public Chapter No. 1032.
4. That the Plaintiffs be awarded their reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988(b).
5. That the Plaintiffs be awarded all further relief to which they are entitled.

Respectfully submitted,

/s/ Daniel A. Horwitz

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Counsel for Plaintiffs



State of Tennessee

PUBLIC CHAPTER NO. 1032

SENATE BILL NO. 1971

By Rose, Haile, Pody, Lundberg

Substituted for: House Bill No. 1895

By Zachary, Faison, Grills, Lamberth, Fritts, Hawk, Hill, Sherrell, Butler, Moody, Powers, Williams, Alexander, Tim Hicks, Brock Martin, Bulso, Capley, Barrett, Richey, Lynn, Leatherwood, Keisling, Eldridge, Littleton, McCalmon, Cochran, Burkhart, Vital, Carringer, Warner

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 intentionally 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 legal 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 A misdemeanor and shall be punished by imprisonment for eleven (11) months and twenty-nine (29) days.

(c) This section does not apply to:

(1) The parents or legal guardian of the unemancipated minor;

(2) A person who has obtained the written, notarized consent of the unemancipated minor's parent or legal guardian;

(3) A common carrier transporting passengers in the course and scope of their business; or

(4) An ambulance driver or operator and any corresponding emergency medical services personnel, as defined in § 68-140-302, acting within the course and scope of their duties.

(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 who 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 committed by the biological father that constitutes an act of:

(i) Aggravated rape, as defined in § 39-13-502;

(ii) Rape, as defined in § 39-13-503;

(iii) Statutory rape or aggravated statutory rape, as defined in § 39-13-506;

(iv) Rape of a child, as defined in § 39-13-522;

(v) Aggravated rape of a child, as defined in § 39-13-531;

(vi) Statutory rape by an authority figure, as defined in § 39-13-532;

(vii) Especially aggravated rape, as defined in § 39-13-534;

(viii) Especially aggravated rape of a child, as defined in § 39-13-535; or

(ix) Incest, as defined in § 39-15-302; or

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

(3) In a civil action arising from 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" means an individual living member of the species, homo sapiens, at any stage of gestation in utero.

(f)(1) This section does not apply to the provision of a medical diagnosis or consultation regarding pregnancy care of an unemancipated minor.

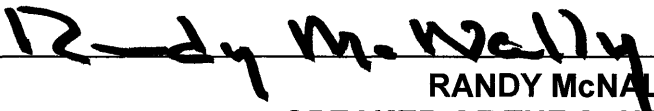
(2) As used in this subsection (f), a medical diagnosis or consultation regarding pregnancy care does not include performing or attempting to perform an abortion, as defined in § 39-15-213, or arranging for travel for the unemancipated minor to procure an abortion or an abortion-inducing drug without the consent of the unemancipated minor's parent or legal guardian.

(3) This section does not prohibit a licensed physician or another person from calling an ambulance for a minor patient if a medical emergency, as defined in § 39-15-218, exists.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.


SENATE BILL NO. 1971

PASSED: April 24, 2024


Randy McNally
RANDY McNALLY
SPEAKER OF THE SENATE


Cameron Sexton
CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of May 2024


Bill Lee
BILL LEE, GOVERNOR



Plan C is an information campaign that shares info about self-managed abortion with FDA-approved abortion pills: how they're used to end an early pregnancy at home, and how people are already accessing them online from all 50 states.




The Plan C website (plancpills.org) includes a **Guide to Pills**: a state-by-state directory of options, from mainstream telehealth abortion to alternative sources of pills. The Guide also points to free hotlines, funding and other resources for direct support.

Abortion is safe, common, and normal: but recent news confirms that we cannot depend on our justice system to protect our basic human right to access. Get legal questions answered via the If/When/How legal helpline at reprolegalhelpline.org, and get medical questions answered via the Miscarriage + Abortion (M+A) Hotline at mahotline.org. These resources are free and secure and are dedicated to providing high-quality care and support.

You can spread the word about Plan C through word of mouth, social media, and by sharing our free stickers and mini-handouts with your community. You can request stickers and handouts in English and Spanish as often as you want, in amounts of 25 - 500. Need them sooner? Download DIY Print templates at linktr.ee/plancpills.

Looking for community? You can join our growing hub of activists by becoming a Plan C Community Member at plancpills.org/community. Join us on Discord, attend a meeting, chat with other activists in your area in a regional Signal chat, and learn other ways to advocate for abortion pill access.

PLAN C IS A PROJECT OF THE NATIONAL WOMEN'S HEALTH NETWORK,
A 501c3 NONPROFIT ORGANIZATION

For more information visit plancpills.org |    [plancpills](https://www.instagram.com/plancpills)

You can request free Plan C stickers and mini-handouts in English and Spanish to share with your community at

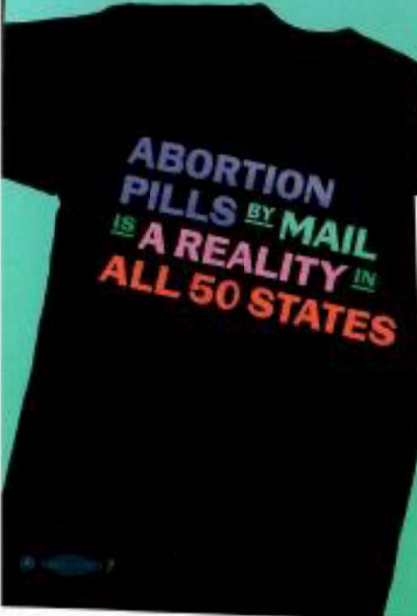
linktr.ee/plancpills

UPCOMING
EVENTS

IMPORTANT
LINKS + OTHER
RESOURCES

NEWSLETTER
SIGNUP

MERCH



ABORTION RESOURCES

Where to get pills online	Plan C Pills www.plancpills.org
Printed links and poster stickers *Don't rely entirely on Google to find a clinic	I Need an A www.ineedan.org
Cybersecurity tips	Abortion Finder abortionfinder.org
Medical guidance during at-home emergency abortion	National Abortion Federation www.naf.org
Legal assistance	Digital Defense Fund digitaldefensefund.org/learn
Find an abortion clinic	Miscarriage and Abortion Helpline safeline.org
Judgment-free of spiritual counseling	Repro Legal Helpline reprolegalhelpline.org
Emotional support during medication abortion	OPRO Co-op www.opro.org
	All Options all-options.org
	Reprocare reprocare.com
	Safe Helpline www.safehelpline.org

there are options for safe abortion

find abortion options by location and pregnancy stage — abortionfinder.org

protect digital privacy — ssd.eff.org

find abortion pills online — plancpills.org

ask medical questions anytime — maholine.org

get legal advice for self or loved ones — itwhenhow.org

get support during an abortion with pills — reprocare.com

pregnancy options counseling without judgment — all-options.org

non-judgmental after-abortion emotional support — exhaleprovoice.org

safe abortion (sa) app by hesperian health guides — hesperian.org

find compassionate clergy support — faithaloud.org

fund an abortion — abortionfunds.org



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Tennessee teens can no longer seek judicial bypass for abortions

SEPTEMBER 9, 2022 · 4:53 PM ET

HEARD ON ALL THINGS CONSIDERED

By Paige Pfleger



3-Minute Listen

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In Tennessee, teens who sought judicial permission for an abortion instead of their parents no longer have that option. Judges and others who helped teens now worry about what options are left.

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Abortion restrictions and bans across the South are forcing people to travel hundreds of miles to get the procedure in states that still allow it. It's a massive barrier, especially for pregnant teenagers. They have to navigate laws around parental permission, too. For years, Tennessee teens traveled to Nashville to get a judge's permission for an abortion instead of telling their parents. From member station WPLN, Paige Pflieger reports on what options are left for those teens now.

PAIGE PFLEGER, BYLINE: Juvenile court judge Sheila Calloway remembers the faces of the pregnant teens who came into her chambers in Nashville.

SHEILA CALLOWAY: They're scared, anxious or nervous.

PFLEGER: And they were young.

CALLOWAY: Children as young as 14.

PFLEGER: For years, teens traveled from all over Tennessee to ask Judge Calloway for something called a judicial bypass. It was a rarely talked about part of Tennessee law that let young people go to a judge instead of their parents for permission to get an abortion. Calloway would approve about 10 each year. And half the time, she says teens don't want to tell their families because they were raped or assaulted, sometimes by a family member.

CALLOWAY: There are at least 10 girls in our community each year that will be forced to have a pregnancy that either they're not ready for, they're not prepared for, and they're going to be forced to do so, even if it is a situation as incest, which has happened.

PFLEGER: Calloway and the lawyers who helped represent these young people have never spoken publicly about judicial bypass until now.

(SOUNDBITE OF ARCHIVED RECORDING)

RACHEL WELTY: Good morning. My name is Rachel Welty.

WELTY: Welty was one of those lawyers. Last month, she joined a group of Democratic lawmakers in front of the state capital to protest the state's abortion ban. Welty has fiery red hair and wore a shirt that says - our bodies, our futures, our abortions.

(SOUNDBITE OF ARCHIVED RECORDING)

WELTY: The days of a teen hopping a Greyhound bus from Memphis so I can assist her with receiving a judicial bypass approval to seek out abortion services is effectively over.

PFLEGER: Tennessee now has one of the most restrictive abortion laws in the country, with no exception for rape, incest or minors, and a narrow legal defense for the life of the pregnant person. Judicial bypasses are off the table. Welty says she cried when she heard the news. She immediately thought of the teens who would still need help and wouldn't be able to get any.

WELTY: They're going to have zero options.

PFLEGER: At least for abortion in this state. Those who support the restrictions say teens could choose adoption or parenting. Tennessee already has one of the highest rates of teen pregnancies in the country, and abstinence-only sex education is taught in schools. But for teens who want an abortion, it won't be easy, especially for those who don't want to tell their parents. They'll have to travel hundreds of miles to a state that still allows it, like Illinois.

EMILY WERTH: So since June 1, someone under the age of 18 in Illinois has exactly the same rights to access abortion as someone over the age of 18.

PFLEGER: Emily Werth is with the ACLU of Illinois. The change improves access for young people who live in Illinois and for teens coming from out of state. But Werth says the challenges don't end once they get an abortion.

WERTH: We often lose sight of the fact that people under the age of 18 have additional barriers that affect them uniquely, such as the risk that they may be reported as a runaway and face juvenile court consequences for that.

PFLEGER: Werth says that's one of many roadblocks that pregnant teens may face in post-Roe America. For NPR News, I'm Paige Pflieger in Nashville.

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June 6, 2024

VIA EMAIL

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Re: Interpretation and Enforcement of Public Chapter No. 1032

Dear Middle Tennessee District Attorneys:

My law firm represents Ms. Rachel Welty, an adult resident of Middle Tennessee. Ms. Welty is an outspoken and unapologetic advocate for safe and healthy access to

abortion care. In her role as an advocate for safe and healthy access to abortion care, Ms. Welty has on many occasions participated in informational campaigns and distributed literature about abortion access, some examples of which are attached to this letter as **Ex. 1**. Most of Ms. Welty’s advocacy is concentrated in the Middle Tennessee area, including in each of your judicial districts. Ms. Welty is also a member of an abortion fund that provides resources to those who need safe and healthy access to abortion medication and out-of-state abortion care that they can no longer obtain in Tennessee.

Ms. Welty’s advocacy for safe and healthy access to abortion care is not hidden, and it is not intended to be. She advocates—accurately—that “[a]bortion is safe, common, and normal[.]” She advocates for and helps facilitate access to abortion care, including out-of-state abortion care and abortion-inducing drugs. Ms. Welty’s advocacy also is not limited to emancipated minors or those who happen to be over the age of 18, and it is not intended to be.

Given this context, Ms. Welty has serious concerns about Public Chapter No. 1032, which takes effect on July 1, 2024. A copy of the soon-to-be-effective law is attached to this letter as **Ex. 2**. As relevant here, the law provides that:

(a) An adult commits the offense of abortion trafficking of a minor if the adult intentionally recruits . . . a pregnant unemancipated minor within this state for the purpose of:

...

(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.

See id. at 1.

Public Chapter No. 1032 goes on to criminalize any violation of these provisions and provides that a person who violates them “may be held liable in a civil action for the wrongful death of an unborn child who was aborted.” *Id.* at 1–2.

I am writing this letter for two reasons:

First, because Ms. Welty needs reasonable notice of what Public Chapter No. 1032 prohibits, please provide your Office’s position on what “recruits” means as used in Public Chapter No. 1032. I ask you to please define the proscribed behavior with sufficient particularity to provide a person of ordinary intelligence with reasonable notice of the conduct that is prohibited.

Second, I have significant concerns that Public Chapter No. 1032 is constitutionally infirm. Even setting aside vagueness issues, any reasonable interpretation of the law appears to criminalize pure speech and *advocacy*—a viewpoint-based speech restriction. Worse: the law appears to criminalize advocating for and facilitating access to *legal* abortion care, including abortion care provided out-of-state in compliance with the laws of sovereign jurisdictions. Given these constitutional infirmities, I ask you to disavow all enforcement of Public Chapter No. 1032’s “recruit[ment]” prohibition against Ms. Welty once the law takes effect.

Please kindly respond to this letter with your Office’s position on these two matters by 4:30 p.m. CST on June 20, 2024.

Sincerely,



Daniel A. Horwitz

Enclosures as stated

Exhibit #1



Plan C is an information campaign that shares info about self-managed abortion with FDA-approved abortion pills: how they're used to end an early pregnancy at home, and how people are already accessing them online from all 50 states.




The Plan C website (plancpills.org) includes a **Guide to Pills**: a state-by-state directory of options, from mainstream telehealth abortion to alternative sources of pills. The Guide also points to free hotlines, funding and other resources for direct support.

Abortion is safe, common, and normal: but recent news confirms that we cannot depend on our justice system to protect our basic human right to access. Get legal questions answered via the If/When/How legal helpline at reprolegalhelpline.org, and get medical questions answered via the Miscarriage + Abortion (M+A) Hotline at mahotline.org. These resources are free and secure and are dedicated to providing high-quality care and support.

You can spread the word about Plan C through word of mouth, social media, and by sharing our free stickers and mini-handouts with your community. You can request stickers and handouts in English and Spanish as often as you want, in amounts of 25 - 500. Need them sooner? Download DIY Print templates at linktr.ee/plancpills.

Looking for community? You can join our growing hub of activists by becoming a Plan C Community Member at plancpills.org/community. Join us on Discord, attend a meeting, chat with other activists in your area in a regional Signal chat, and learn other ways to advocate for abortion pill access.

PLAN C IS A PROJECT OF THE NATIONAL WOMEN'S HEALTH NETWORK,
A 501c3 NONPROFIT ORGANIZATION

For more information visit plancpills.org |    [plancpills](https://www.instagram.com/plancpills)

You can request free Plan C stickers and mini-handouts in English and Spanish to share with your community at

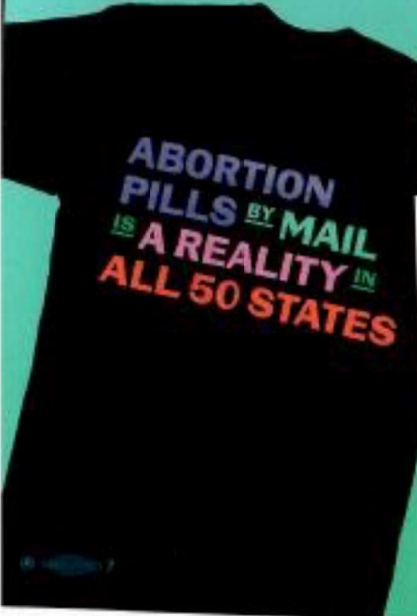
linktr.ee/plancpills

UPCOMING EVENTS

IMPORTANT LINKS + OTHER RESOURCES

NEWSLETTER SIGNUP

MERCH



ABORTION RESOURCES

Where to get pills online	Plan C Pills planctips.org/guide
Printed links and poster stickers *Don't rely entirely on Google to find a clinic	I Need OA A www.needoa.org Abortion Finder abortionfinder.org
Cybersecurity tips	National Abortion Federation nabf.org
Medical guidance during at-home emergency abortion	Digital Defense Fund digitaldefensefund.org/learn
Legal assistance	Miscarriage and Abortion Helpline www.safeline.org
Find an abortion clinic	Repro Legal Helpline reprolegalhelpline.org
Judgment-free at-home abortion	OBGYN Care www.obgyn.com
Emotional support during medication abortion	All Options all-options.org Reprocare reprocare.com Scholarship scholarship.reprocare.com

there are options for safe abortion

find abortion options by location and pregnancy stage — abortionfinder.org

protect digital privacy — ssd.eff.org

find abortion pills online — plancpills.org

ask medical questions anytime — maholine.org

get legal advice for self or loved ones — itwhenhow.org

get support during an abortion with pills — reprocare.com

pregnancy options counseling without judgment — all-options.org

non-judgmental after-abortion emotional support — exhaleprovoice.org

safe abortion (sa) app by hesperian health guides — hesperian.org

find compassionate clergy support — faithaloud.org

fund an abortion — abortionfunds.org

Exhibit #2



State of Tennessee

PUBLIC CHAPTER NO. 1032

SENATE BILL NO. 1971

By Rose, Haile, Pody, Lundberg

Substituted for: House Bill No. 1895

By Zachary, Faison, Grills, Lamberth, Fritts, Hawk, Hill, Sherrell, Butler, Moody, Powers, Williams, Alexander, Tim Hicks, Brock Martin, Bulso, Capley, Barrett, Richey, Lynn, Leatherwood, Keisling, Eldridge, Littleton, McCalmon, Cochran, Burkhart, Vital, Carringer, Warner

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 intentionally 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 legal 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 A misdemeanor and shall be punished by imprisonment for eleven (11) months and twenty-nine (29) days.

(c) This section does not apply to:

(1) The parents or legal guardian of the unemancipated minor;

(2) A person who has obtained the written, notarized consent of the unemancipated minor's parent or legal guardian;

(3) A common carrier transporting passengers in the course and scope of their business; or

(4) An ambulance driver or operator and any corresponding emergency medical services personnel, as defined in § 68-140-302, acting within the course and scope of their duties.

(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 who 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 committed by the biological father that constitutes an act of:

(i) Aggravated rape, as defined in § 39-13-502;

(ii) Rape, as defined in § 39-13-503;

(iii) Statutory rape or aggravated statutory rape, as defined in § 39-13-506;

(iv) Rape of a child, as defined in § 39-13-522;

(v) Aggravated rape of a child, as defined in § 39-13-531;

(vi) Statutory rape by an authority figure, as defined in § 39-13-532;

(vii) Especially aggravated rape, as defined in § 39-13-534;

(viii) Especially aggravated rape of a child, as defined in § 39-13-535; or

(ix) Incest, as defined in § 39-15-302; or

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

(3) In a civil action arising from 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" means an individual living member of the species, homo sapiens, at any stage of gestation in utero.

(f)(1) This section does not apply to the provision of a medical diagnosis or consultation regarding pregnancy care of an unemancipated minor.

(2) As used in this subsection (f), a medical diagnosis or consultation regarding pregnancy care does not include performing or attempting to perform an abortion, as defined in § 39-15-213, or arranging for travel for the unemancipated minor to procure an abortion or an abortion-inducing drug without the consent of the unemancipated minor's parent or legal guardian.

(3) This section does not prohibit a licensed physician or another person from calling an ambulance for a minor patient if a medical emergency, as defined in § 39-15-218, exists.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.


SENATE BILL NO. 1971

PASSED: April 24, 2024


Randy McNally
RANDY McNALLY
SPEAKER OF THE SENATE


Cameron Sexton
CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of May 2024


Bill Lee
BILL LEE, GOVERNOR



Rep. Aftyn Behn
@AftynBehn



This morning, the TN Senate will vote on SB1971/HB1895,

which would criminalize supporting young people who are considering or seeking abortion with mandatory jail time and the possibility of an over \$1 million lawsuit.

Should this bill pass, I welcome arrest. #TNLeg

<p>TENNESSEE LAW, PROVIDING INFORMATION ABOUT ABORTION RESOURCES COULD BE ILLEGAL.</p>	<p>which would criminalize supporting young people in Tennessee when they are considering or seeking an abortion,</p> <p>with mandatory jail time and the possibility of an over \$1 million lawsuit</p>
<p>AFTYN BEHN FOR STATE REPRESENTATIVE & ACT ABORTION CARE TENNESSEE</p> <p>will exercise their right to publicly share information about how to seek an abortion which could be considered illegal under this law.</p> <p>Currently, sharing this information</p>	<p>I welcome the opportunity to take a young person out of state who wants to have an abortion even if it lands me in jail.</p> <p>REP. AFTYN BEHN</p>

7:34 AM · Apr 10, 2024 · 21.8K Views



55



133



306



7



**UNDER NEW
TENNESSEE LAW,
PROVIDING
INFORMATION
ABOUT ABORTION
RESOURCES COULD
BE ILLEGAL.**

AFTYN BEHN
FOR STATE REPRESENTATIVE

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Virginia
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Today, the Senate will vote on SB1971,

which would criminalize supporting young people in Tennessee when they are considering or seeking an abortion,

with mandatory jail time and the possibility of an over \$1 million lawsuit.

AFTYN BEHN
FOR STATE REPRESENTATIVE

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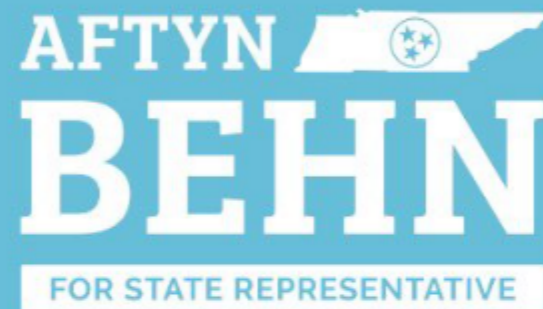
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AHEAD OF THE HOUSE FLOOR VOTE,



will exercise their right to publicly share information about **how to seek an abortion** which could be considered illegal under this law.

Currently, sharing this information is not a crime, **but the bill's language could make this action a crime within the year.**

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I welcome the opportunity to take a young person out of state who wants to have an abortion even if it lands me in jail.

REP. AFTYN BEHN



AFTYN BEHN

FOR STATE REPRESENTATIVE



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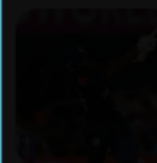
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TENNESSEE HOUSE OF REPRESENTATIVES

GENERAL ASSEMBLY

April 23, 2024

Cordell Hull Building
425 Representative John Lewis Way North
Nashville, TN 37243

Portion regarding House Bill 1895

Transcribed from a digital file by:

Laurie McClain
531-893-1438
lauriemcclainmusic@gmail.com

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A P P E A R A N C E S

MEMBERS WHO SPOKE IN THIS PORTION:

- SPEAKER CAMERON SEXTON
- REPRESENTATIVE JASON ZACHARY
- REPRESENTATIVE PATSY HAZELWOOD
- REPRESENTATIVE JOHN RAY CLEMMONS
- REPRESENTATIVE JOHNNY GARRETT
- REPRESENTATIVE HAROLD LOVE, JR.
- REPRESENTATIVE BRYAN TERRY
- REPRESENTATIVE GLORIA JOHNSON
- REPRESENTATIVE BO MITCHELL
- REPRESENTATIVE JAKE MCCALMON
- REPRESENTATIVE DEBRA MOODY
- REPRESENTATIVE WILLIAM LAMBERTH
- REPRESENTATIVE AFTYN BEHN

1 SPEAKER SEXTON: Call the next bill,
2 Mr. Clerk.

3 THE CLERK: House Bill 1895, with Chairman Zachary
4 and others, relative to abortion [indiscernible] Senate
5 bills on the desk.

6 SPEAKER SEXTON: Chairman Zachary, you're
7 recognized.

8 REPRESENTATIVE ZACHARY: Thank you, Mr. Speaker.
9 Move to substitute and conform to
10 Senate Bill 1971.

11 SPEAKER SEXTON: Chairman Zachary moves to
12 substitute and conform to Senate Bill 1971.

13 Properly seconded.

14 Without objection, so ordered.

15 Chairman Zachary, you're recognized.

16 REPRESENTATIVE ZACHARY: Thank you, Mr. Speaker.
17 Move passage of Senate Bill 1971 on third and final
18 consideration.

19 SPEAKER SEXTON: Chairman Zachary moves passage of
20 Senate Bill 1971 on third and final consideration.

21 Properly seconded.

22 Mr. Clerk, call your first amendment.

23 THE CLERK: House Health Committee
24 Amendment No. 1.

25 SPEAKER SEXTON: Chairman Terry, you're

1 recognized.

2 REPRESENTATIVE TERRY: Thank you, Mr. Speaker.

3 Move to withdraw.

4 SPEAKER SEXTON: Without objection,

5 Amendment No. 1 is withdrawn.

6 Next amendment, Mr. Clerk [indiscernible].

7 THE CLERK: House Finance Ways and Means Committee

8 Amendment No. 1, filed [sound cuts out] House Amendment 2,

9 same as Senate Amendment No. 1.

10 SPEAKER SEXTON: Chairlady Hazelwood, you're

11 recognized.

12 REPRESENTATIVE HAZELWOOD: Thank you, Mr. Speaker.

13 Same as the Senate amendment, move to withdraw.

14 SPEAKER SEXTON: Without objection,

15 Amendment No. 2 is withdrawn.

16 Next amendment, Mr. Clerk.

17 THE CLERK: House Finance Ways and Means

18 Committee, Amendment No. 2, filed as House Amendment 3.

19 SPEAKER SEXTON: Chairlady Hazelwood, you're

20 recognized.

21 REPRESENTATIVE HAZELWOOD: Thank you, Mr. Speaker.

22 Move to adopt, to defer to the sponsor for an explanation.

23 SPEAKER SEXTON: Chairlady Hazelwood moves

24 adoption of Committee Amend -- Amend -- Committee

25 Amendment No. 3.

1 Properly seconded.

2 Any suggestion on the amendment?

3 Seeing none, all those in favor of Committee
4 Amendment No. 3 say aye, all those opposed, say no.

5 The ayes have it.

6 THE CLERK: The ayes have it.

7 SPEAKER SEXTON: Next amendment, Mr. Clerk.

8 THE CLERK: House Amendment 4, by
9 Chairman Clemmons. Mr. Speaker, was not timely filed.

10 SPEAKER SEXTON: Chairman Clemmons, you're
11 recognized.

12 REPRESENTATIVE CLEMMONS: Thank you, Mr. Speaker.
13 I believe this was timely filed under the rules in our
14 former practice. But this bill would amend -- this
15 amendment rewrites the bill to establish a person's right to
16 reproductive health care.

17 [Indiscernible voices.]

18 SPEAKER SEXTON: We have a motion.

19 Properly seconded.

20 We're voting for consideration of Amendment No. 4.

21 All those in favor of considering Amendment No. 4,
22 vote aye when the bell rings. Those opposed to it, vote no.

23 Has every member voted?

24 Does any member wish to change their vote?

25 Mr. Clerk, please take the vote.

1 THE CLERK: Ayes 24; 71 nays.

2 SPEAKER SEXTON: In accord -- in accordance with
3 Rule 60(b), having failed to receive the necessary
4 two-thirds vote, the motion to consider Amendment No. 4
5 fails.

6 Next amendment, Mr. Clerk.

7 THE CLERK: House Amendment 5, with Chairman
8 Clemmons. Mr. Speaker, it was not timely filed.

9 SPEAKER SEXTON: Chairman Clemmons, you're
10 recognized.

11 REPRESENTATIVE CLEMMONS: Thank you, Mr. Speaker.
12 Again, I believe this was timely filed.

13 But this rewrite, Section 2 of the bill, to amend
14 the definition of "criminal abortion," addresses the issues
15 of lethal fetal anomalies, and protects the healthcare of
16 the woman - and protects of the healthcare of the woman and
17 addresses that lethal fetal anomaly situation, and takes
18 that outside of the definition of criminal abortion.

19 With that, I would move reconsideration.

20 UNIDENTIFIED REPRESENTATIVE: Second.

21 SPEAKER SEXTON: You -- you've heard the motion.
22 Properly seconded.

23 We're voting for consideration of Amendment No. 5.

24 All those in favor of considering Amendment No. 5,
25 vote aye when the bell rings. Those opposed, vote no.

1 Has every member voted?

2 Does any member wish to change their vote?

3 Mr. Clerk, please take the vote.

4 THE CLERK: Ayes 22; 72 nays.

5 SPEAKER SEXTON: In accordance with Rule 60(b),
6 having received the necessary two -- having failed to
7 receive the necessary two-thirds vote, the motion to
8 consider Amendment No. 5 fails.

9 Next amendment, Mr. Clerk.

10 THE CLERK: Amendment 6, by Representative Love.
11 Mr. Speaker, it was not timely filed.

12 SPEAKER SEXTON: Representative Love, you're
13 recognized.

14 REPRESENTATIVE LOVE: Thank you, Speaker and
15 Members.

16 This particular amendment simply states that
17 abortion does not include the use of contraceptives,
18 including a device, medication, biological product or
19 procedure that's intended for the use of prevention and
20 pregnancy, but also addresses the issue of IVF.

21 And so I would ask members to move for adoption of
22 Amendment No. 6, by Love.

23 SPEAKER SEXTON: You heard the -- you've heard the
24 motion.

25 Properly seconded.

1 We're going for consideration of Amendment No. 6

2 All those in favor of considering Amendment No. 6,

3 vote yes when the bell rings. Those opposed, vote no.

4 Has every member voted?

5 Does any member wish to change their vote?

6 [Indiscernible voices.]

7 Mr. Clerk, please take the vote.

8 THE CLERK: Ayes 24; 71 nays.

9 SPEAKER SEXTON: In accordance with Rule 60(b),
10 having failed to receive the necessary two-thirds vote, the
11 motion to consider Amendment No. 6 failed.

12 Next amendment, Mr. Clerk.

13 THE CLERK: House Amendment 7, by Representative
14 Johnson of Knox. This amendment was not timely filed.

15 [Indiscernible voices.]

16 REPRESENTATIVE JOHNSON: I just want to make sure.

17 SPEAKER SEXTON: Representative Johnson of Knox,
18 you're recognized.

19 REPRESENTATIVE JOHNSON: Thank you, Mr. Speaker.

20 And I do believe it was timely filed.

21 This amendment removes from the definition of what
22 constitutes a criminal abortion: Any abortion that is
23 attempted or performed on a patient who is under the
24 age of 13.

25 The purpose of this amendment is to ensure that

1 the State of Tennessee is not forcing young children to have
2 babies themselves. A child who is under the age of 13 is
3 not old enough to consent to sex, much less take on the
4 physical burden of pregnancy, childbirth and motherhood.

5 This amendment is in line with the values of
6 Tennesseans who overwhelmingly agree that our children under
7 the change of 13 should not be forced to give birth. They
8 have two-times the rate of death when carrying a pregnancy,
9 compared to adult women.

10 Re-victimizing victims every day, forcing them to
11 be reminded daily of their rape, and while having no real
12 understanding of what's happening to their bodies and the
13 childhood that was stolen from them by their rape -

14 SPEAKER SEXTON: We're out of time.

15 [Indiscernible voices.]

16 SPEAKER SEXTON: You've heard the motion.

17 Properly seconded.

18 We're voting for consideration of Amendment No. 7.

19 All those in favor of considering Amendment No. 7,
20 vote aye when the bell rings. Those opposed, vote no.

21 Has every member voted?

22 Does any member wish to change their vote?

23 Mr. Clerk, please take the vote.

24 THE CLERK: Ayes 33, 71 nays.

25 SPEAKER SEXTON: In accordance with Rule 60(b),

1 having failed to receive the necessary two-thirds vote, the
2 motion to consider Amendment No. 7 fails.

3 Next amendment, Mr. Clerk.

4 THE CLERK: House Amendment 8, by
5 Representative Behn.

6 Mr. Speaker, it was not timely filed.

7 SPEAKER SEXTON: Representative Behn, you're
8 recognized.

9 REPRESENTATIVE BEHN: This amendment was timely
10 filed. Thank you.

11 This amendment would exempt from criminal and
12 civil liability certain trusted adults who are part of a
13 child's support network, to allow these trusted adults to
14 have candid and supportive conversations.

15 I know that Chairman Terry's amendment included
16 some of this. But I wanted to ensure that also abortion
17 fund help line volunteers, abortion funds in general,
18 abortion clinic staffs, volunteers, lawyers, and anyone over
19 the age of 18, so long as that person is not forcing the
20 minor to obtain an abortion against their will, are included
21 the definition of "trusted adults."

22 I move to -- for the amendment to be considered.

23 SPEAKER SEXTON: We've heard the motion.

24 Properly seconded.

25 We're voting for consideration of Amendment No. 8.

1 All those in favor of considering Amendment No. 8,
2 vote aye when the bell rings. Those opposed, vote no.

3 Has every member voted?

4 Does any member wish to change their vote?

5 Mr. Clerk, please take the vote.

6 THE CLERK: Ayes, 23; 73 nays.

7 SPEAKER SEXTON: In accordance with Rule 60(b),
8 having failed to receive the necessary two-thirds vote, the
9 motion to consider Amendment No. 8 fails.

10 Next amendment, Mr. Clerk.

11 THE CLERK: Amendment 9, by Representative
12 Mitchell.

13 Mr. Speaker, it was not timely filed.

14 SPEAKER SEXTON: Representative Mitchell, you're
15 recognized.

16 REPRESENTATIVE MITCHELL: Yeah, thank you,
17 Mr. Speaker. I

18 I think a week would be a timely filed amendment,
19 which this was.

20 But this amendment is creating an exception for
21 survivors of rape and incest, you know, victims of
22 aggravated rape, rape, statutory rape, rape of a child,
23 aggravated rape of a child, statutory rape by an authority
24 figure, especially aggravated rape, and especially
25 aggravated rape of a child or incest.

1 Amendment No. 10.

2 All those in favor of considering
3 Amendment No. 10, vote aye when the bell rings. Those
4 opposed, vote no.

5 Has every member voted?

6 Does any member wish to change their vote?

7 Mr. Clerk, please take the vote.

8 THE CLERK: Ayes 22; 74 nays.

9 SPEAKER SEXTON: In accordance with Rule 60(b) for
10 having failed to receive - 60(b) for having failed to
11 receive the necessary two-thirds vote, the motion to
12 consider Amendment No. 10 fails.

13 SPEAKER SEXTON: Next amendment, Mr. Clerk.

14 THE CLERK: House Amendment 11, by
15 Representative Behn.

16 Mr. Speaker, it was not timely filed.

17 SPEAKER SEXTON: Representative Behn, you're
18 recognized.

19 REPRESENTATIVE BEHN: Thank you, Mr. Speaker.

20 Tennessee is third in the country for maternal
21 mortality and pregnancy criminalization. And pregnant
22 Tennesseans deserve so much more than what they're getting
23 from this legislature.

24 This amendment merely requires that the state meet
25 the basic needs of all Tennessee families:

1 Call your next amendment, Mr. Clerk.

2 THE CLERK: Mr. Speaker, no further amendments.

3 Call the next amendment, Mr. Clerk.

4 THE CLERK: Mr. Speaker, no further amendments.

5 SPEAKER SEXTON: Chairman Zachary, you're
6 recognized.

7 REPRESENTATIVE ZACHARY: Thank you, Mr. Speaker,
8 Members.

9 This piece of legislation protects parental rights
10 by prohibiting an adult who is not a guardian or parent of a
11 minor, from facilitating an abortion for that minor.

12 It's important to remember, as we begin discussion
13 on this bill, we are not re-litigating abortion. That issue
14 has already been settled in Tennessee, fortunately. And
15 thankfully, since Roe v. Wade was overturned over a year and
16 a half ago, 17,000 babies have been saved in Tennessee since
17 that happened.

18 So again, much conversation was made on a bill
19 earlier today about parental rights. So I look forward to
20 the support of the body when we discuss reenforcing those
21 parental rights in this piece of legislation.

22 With that, Mr. Speaker, I renew my motion.

23 SPEAKER SEXTON: Chairman Zachary renews his
24 motion.

25 Any discussion object the bill - bill?

1 Representative Behn, you're recognized.

2 REPRESENTATIVE BEHN: Thank you, Mr. Speaker.

3 As the only child-rearing woman in this body -

4 [Indiscernible voices.]

5 REPRESENTATIVE BEHN: -- it -- he -- so here's the
6 thing, I've come to this - to this body. I have tried to
7 pass legislation to eliminate the grocery tax, to ensure
8 that veterans have access to basic needs.

9 SPEAKER SEXTON: Rep -- Rep -- Rep -- Rep -- Rep
10 -- Rep -- Representative Behn, we're -- we're not here to
11 discuss you. We're here to discuss this bill. If you want
12 to stay on the bill, we can.

13 Representative Behn, you're recognized.

14 REPRESENTATIVE BEHN: This is relevant.

15 SPEAKER SEXTON: No -- well, Representative Behn,
16 those bills are not relevant to this bill. You're on this
17 bill.

18 Representative Behn, you're recognized.

19 REPRESENTATIVE BEHN: This bill is a direct attack
20 on me, on my family, on my friends, on my network that
21 support Tennesseans who are pregnant, and vulnerable minors
22 that need access to care to go across state lines and
23 receive the necessary care...

24 Is -- is this a joke? Is this funny to you?

25 Seriously. It's not funny. And every time you've presented

1 this bill, you've been smug, and I don't appreciate it.

2 REPRESENTATIVE GARRETT: Objection

3 [indiscernible].

4 [Indiscernible voices.]

5 SPEAKER SEXTON: Representative Garrett objected.

6 Representative Garrett?

7 REPRESENTATIVE GARRETT: Thank you, Mr. Speaker.

8 Under Rule 19, it's a violation of disparaging a
9 member in the well, by Representative Behn.

10 So I move for a violation, that she's out of order
11 under Rule 19, for disparaging a member as they're
12 [indiscernible] sitting in the well.

13 SPEAKER SEXTON: That's a proper motion.

14 Properly seconded.

15 Is there an objection?

16 [Indiscernible voices.]

17 SPEAKER SEXTON: There's objection. We're on the
18 board.

19 All those in favor, vote aye.

20 All those for Representative Behn to continue
21 speaking, vote no.

22 Vote -

23 REPRESENTATIVE CLEMMONS: [indiscernible].

24 SPEAKER SEXTON: Chairman Clemmons, you got to
25 come up here. I -- I appreciate -- appreciate you going to

1 the desk.

2 REPRESENTATIVE CLEMMONS: [indiscernible].

3 SPEAKER SEXTON: Yes, sir.

4 [Silence for several seconds
5 while there appears to be an
6 off-the-record discussion
7 at the front.]

8 SPEAKER SEXTON: Mr. Clerk?

9 THE CLERK: Mr. Speaker, a parliamentary
10 [indiscernible] was -- is a statement of fact made on the
11 floor a violation of Rule 19? The member has been called to
12 order. This body is about to determine whether that was a
13 violation -- whether what was said is a violation or not.

14 SPEAKER SEXTON: All right. So we're on the
15 board.

16 Let me -- let' rephrase what you're voting on.
17 We're voting if you've -- oh, hang on -- later.

18 If you vote -- if you vote aye, you're voting for
19 the Representative to continue speaking.

20 If you vote no, you're voting for her to
21 discontinue speaking.

22 Mr. Clerk, take the vote.

23 Mr. Clerk, please take the vote.

24 THE CLERK: Ayes, 33; 60 nays.

25 SPEAKER SEXTON: Representative Moody, you're

1 recognized.

2 REPRESENTATIVE MOODY: Thank you, Mr. Speaker.

3 And to the sponsor, I - I want to thank you for
4 bringing this legislation.

5 I'm a mom of four children. And even in
6 Tennessee, our minors are not allowed, by law, to get a
7 tattoo or piercing. And so I, of course, wholeheartedly
8 support that. And I will be happy to support this bill.

9 But Mr. Sponsor, I would like to ask you, could
10 you explain in the bill where it talks about an ado -- an
11 adult recruiting these minors, could you explain what that
12 would look like, please?

13 SPEAKER SEXTON: Chairman Zachary?

14 REPRESENTATIVE ZACHARY: Thank you, Madame Chair.

15 And I will give the body just a brief explanation
16 of my smugness, is -- if it -- that's how it was determined.

17 Leader Lamberth asked me if I wanted some water
18 that he had previously drank out of, and I laughed, and I
19 said no. So that was the reason. It was not was a
20 smugness, Representative. So my sincere apologies.

21 Thank you for the question.

22 Members, again, it is important to remember that
23 this is a parental rights bill. Nine years ago when I was
24 elected to this body, I would have never thought we would
25 have to pass legislation like this, to protect the rights of

1 parents and their children.

2 We've reached a point now where children are being
3 recruited, Missourians specifically, where the AG just filed
4 suit against Planned Parenthood for recruiting children.

5 There's a video, you can go look at the video.
6 Google the story of recruiting children to take them across
7 state lines to abort their babies, to kill their babies in
8 utero.

9 And unfortunately, there's even a member of this
10 body that recently tweeted out, "I welcome the opportunity
11 to take a young person out of state who wants to have an
12 abortion, even if it lands me in jail."

13 [Indiscernible voices.]

14 REPRESENTATIVE ZACHARY: And so answering the
15 question of recruitment, I'm answering the question of
16 recruitment. Representative, that is what recruitment looks
17 like.

18 And for those of us who are parents, the thought
19 -- I -- I don't -- I no longer have minor children, but the
20 thought of any adult taking my child for a medical procedure
21 -- if we think about this, my wife is a teacher. Last year,
22 she could not take a child who is 16 to get their arm
23 treated. It was broken. They had to wait for the parent to
24 sign.

25 You are not allowed, as an adult who is not the

1 parent or guardian of a minor to take them to the hospital
2 and sign off on any procedure. Now, there are -- there are
3 exceptions in Code. And I'll read these out to you.

4 Emergency Treatment of a Minor, which is 63.6.222.
5 That's listed in Code. You can go there and look at the
6 exceptions to that.

7 But again, a few years ago, we would have thought
8 it ludicrous that parent -- that -- that adults would be
9 taking children across state -- to get abortions at their
10 most vulnerable time, they would be taking children across
11 state lines to transition their gender. Those kind of
12 things are completely out of balance.

13 And again, this piece of legislation reenforces
14 parental rights by simply saying that if you are not the
15 parent or guardian of a minor, you cannot facilitate an
16 abortion for that child. It's that simple, for the bill.
17 Again, we're not litigating abortion; we've already done
18 that. That's already settled in this body.

19 This is about parental rights. And I find it
20 amazing that on a bill earlier there was all this yelling
21 and screaming about parental rights, parental rights. And
22 here we are getting ready to look at a parental rights bill
23 and vote on a parental rights bill, and there's objection.

24 And then finally, Mr. Speaker, yesterday -- well,
25 I won't say it -- yesterday -- yeah, I will.

1 Yesterday, in talking about life and talking about
2 this bill, there was much made on this house floor about the
3 protection of life, the protection of life for a child --
4 for someone who rapes a child. Much talk about the
5 protection of life. And here we are again with significant
6 opposition to a bill that reenforces a parent's right to do
7 what's best for their child.

8 And this piece of legislation does provide an
9 exception. It does say that if a parent signs off, then
10 that child can get an abortion. I hate that, but it's in
11 the bill.

12 With that, Mr. Speaker, I renew my motion.

13 SPEAKER SEXTON: Representative Johnson of Knox.

14 REPRESENTATIVE JOHNSON: Thank you, Mr. Speaker.
15 Again, I would love to think that every parent and -- and --
16 had good intentions.

17 But what about the child - and I always speak up
18 to this, because that was the experience I had working with
19 the kids that I worked with for those years, they were the
20 kids that had been abused, or had problems. And a lot of
21 times it was within their families.

22 But what about the young girl who has -- is
23 pregnant with her father's baby, and Mother covers for it?
24 Who's that child going to go to? There are just too many
25 situations -- especially, especially when that child is too

1 embarrassed or ashamed to do something.

2 We cannot always count on parents doing the right
3 thing. And yeah, you can come up with, anecdotally, some
4 situation, Oh, well, they could ask for this or they could
5 ask for this. But the reality is, it is incredibly
6 difficult, and instead -- this is doing nothing to protect
7 children. This is actually harming children. Children
8 understand who a trusted adult is. And sadly, sometimes it
9 is not their parent.

10 I -- I -- I thought you appeared to have an answer
11 to something I said, or -- or to correct something I said,
12 so I was just kind of waiting for that.

13 I don't have a direct question, but my concern is
14 for that child that has no one in their family that they can
15 trust with something like this.

16 SPEAKER SEXTON: Chairman Zachary.

17 REPRESENTATIVE ZACHARY: Thank you, Mr. Speaker.
18 My concern is for the child. My concern is also for the
19 child that's in utero.

20 And the -- the legislation that you have in front
21 of you ensures that parents can make the best decision for
22 their children. And in those exceptions of abuse, and in
23 those except -- exceptions of incest, which is covered in
24 37.10.304 -- 37.10.305, that speaks specifically to incest.
25 It's believed to speak -- speaks specific -- specifically to

1 trusted adult who they thought they could trust take their
2 child without their permission to Memphis and take them
3 across state lines for an abortion.

4 I did everything I could. I even called the
5 Governor to try to intervene on behalf of this. The parents
6 crying on the phone, and we could not stop it. Now you can
7 get into was this aggravated kidnaping and some of those
8 things. But I've been directly involved in one of those
9 situations.

10 And it's abhorrent that this would happen. It's
11 happening in the Missouri. It's happening in other states.
12 And we in -- in the state of Tennessee, can take a step --
13 take a step to stop it with this particular piece of
14 legislation. This protects the minor, and it protects the
15 child they're carrying.

16 Thank you, Mr. Speaker.

17 SPEAKER SEXTON: Representative Johnson.

18 REPRESENTATIVE JOHNSON: It doesn't always protect
19 the child. And I'm talking about those instances -- and you
20 like to say that the -- these parents can make the decision.
21 But the reality is, how is anybody going to know it's
22 incest? Because the child is not going to report to the
23 parents, they're going to talk to a person they can trust.
24 The parents are not going to know. And this happens way
25 more.

1 SPEAKER SEXTON: Chairman Zachary?

2 REPRESENTATIVE ZACHARY: Thank you, Mr. Speaker,
3 Members.

4 Another point that I'll make that is something I
5 had not really thought about until recently. And I had
6 these statistics sent to me by Live Action. So we have a --
7 we can -- last -- a couple weeks ago we passed -- passed a
8 sex trafficking bill.

9 And when this -- this particular piece of
10 legislation was put on notice and came up for this week, I
11 had the group Live Action send me some stat -- statistics
12 related to sex trafficking.

13 Survivors were forced to have an abortion of sex
14 -- sex trafficking survivors are forced to have an abortion
15 52 percent of the time, and it typically involves the person
16 who is the perpetrator of that taking them across state
17 lines. And that's according to survivors, and that's a
18 statistic accord to Live Action. So I just point that out
19 to, again, reference the scourge of sex trafficking, which
20 we addressed last week, but just the preying on minors.

21 Again, these are minors that we're talking about.
22 They're preying on minors, by these sex traffickers, again,
23 who is not the parent or guardian of the child. And so this
24 particular piece -- piece of legislation will, again, do
25 what we need to do to reenforce parental rights.

1 Thank you, Mr. Speaker.

2 SPEAKER SEXTON: Representative McCalmon?

3 [Indiscernible voices.]

4 REPRESENTATIVE MCCALMON: Thank you, Mr. Speaker.
5 Move the previous question.

6 [Indiscernible voices.]

7 SPEAKER SEXTON: Previous question has been
8 called.

9 UNIDENTIFIED REPRESENTATIVE: Objection.

10 [Indiscernible voices.]

11 SPEAKER SEXTON: There's an objection.

12 We're on the board.

13 All those in favors of previous question, vote aye
14 when the bell rings; those opposed, vote no.

15 Has every member voted?

16 Does any member wish to change their vote?

17 [Indiscernible voices.]

18 SPEAKER SEXTON: Mr. Clerk, please take the vote.

19 [Indiscernible voices.]

20 THE CLERK: Ayes, 74; 22 nays.

21 SPEAKER SEXTON: Previous question prevails.

22 We're voting. All those in favor of
23 Senate Bill 1971, as amended, vote aye when the bell rings;
24 those opposed, vote no.

25 Has every member cast their vote?

1 Does any member wish to change their vote?

2 [Indiscernible voices.]

3 SPEAKER SEXTON: Mr. Clerk, please take the vote.

4 THE CLERK: Ayes 74, 24 nays.

5 SPEAKER SEXTON: Senate Bill 1971, having received

6 [indiscernible] received [indiscernible] majority

7 [indiscernible] without objection.

8 [indiscernible] is tabled.

9 [End of recording.]

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I, Laurie McClain, Transcriber,

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Date 06/17/2024


Laurie McClain
Transcriber

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DECLARATION OF RACHEL WELTY

1. My name is Rachel Welty, I have personal knowledge of the facts affirmed in this Declaration, I am competent to testify regarding them, and I swear under penalty of perjury that they are true.

2. I am a Plaintiff in this matter.

3. I have reviewed the contents of the Verified Complaint filed in this matter, I have personal knowledge of the allegations set forth therein that concern me, and I hereby make oath and affirm that those allegations are true and correct and that the Verified Complaint's exhibits are authentic.

4. Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Jun 24, 2024

Signature: 
[Rachel Welty \(Jun 24, 2024 10:05 EDT\)](#)

Rachel Welty






Declaration of Rachel Welty

Final Audit Report

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DECLARATION OF AFTYN EHN


1. My name is ftyn ehn, I have personal knowledge of the facts affirmed in this Declaration, I am competent to testify regarding them, and I swear under penalty of perjury that they are true.

2. I am a Plaintiff in this matter.

3. I have reviewed the contents of the Verified Complaint filed in this matter, I have personal knowledge of the allegations set forth therein that concern me, and I hereby make oath and affirm that those allegations are true and correct and that the Verified Complaint's exhibits are authentic.

4. Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Jun 24, 2024

Signature: 
Aftyn Behr (Jun 24, 2024 08:47 CDT)
ftyn ehn







Declaration of Aftyn Behn

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