

Tennessee

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



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Abortion is **banned at every stage of pregnancy** — availability: **severely restricted**.

GESTATIONAL LIMIT	Total ban	AVAILABLE	Severely restricted	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
TELEHEALTH	Not allowed	WAITING PERIOD	48 hours	RAPE / INCEST EXCEPTION	No	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Tennessee prohibits abortion from fertilization with a single medical-emergency exception; the ban has been in effect since August 25, 2022, and is not enjoined.

Tenn. Code Ann. § 39-15-213(b) · Tenn. Const. art. I, § 36 · Tenn. Code Ann. § 39-15-213(e)

☒ Fetal personhood & the internal contradiction

Tennessee's treatment of fetal personhood is internally contradictory in significant ways. On one hand, the criminal abortion code (Tenn. Code Ann. § 39-15-213(a)(4)) declares the unborn child to be 'an individual living member of the species, homo sapiens' from fertilization—language suggesting full personhood. The fetal-homicide statute (§ 39-13-107(a)) treats a fetus 'at any stage of gestation in utero' as a victim of murder and assault, with no viability threshold. The abortion-trafficking law (§ 39-15-201(e)) allows a civil wrongful-death action for any aborted fetus of a minor regardless of gestational age.

Tenn. Code Ann. § 39-13-107(a) · Tenn. Code Ann. § 39-15-213(a)(4)

MINORS

An unemancipated minor must obtain written consent from one parent or legal guardian, with judicial bypass available if consent is unavailable or refused.

SPOUSAL / PATERNAL RIGHTS

Tennessee has no statute requiring a married woman to obtain her husband's consent or give him notice before an abortion.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (performing unlawful abortion)	Criminal abortion (Tenn. Code Ann. § 39-15-213(b))	Class C felony: 3-15 years imprisonment, fine up to \$10,000; mandatory reporting to Board of Medical Examiners within 7 days; license suspension or revocation
Physician (violating informed consent/waiting period)	Intentional or knowing violation of Tenn. Code Ann. § 39-15-202(a)-(d), (f)(2)	Class E felony: 1-6 years imprisonment, fine up to \$3,000; license suspension or revocation
Physician (consent form / records violation)	Intentional, knowing, or reckless violation of Tenn. Code Ann. § 39-15-202(e), (f)(3)	Class A misdemeanor: up to 11 months 29 days imprisonment, fine up to \$2,500; license suspension or revocation
Any person (providing abortion-inducing drug unlawfully)	Violation of Tenn. Code Ann. § 63-6-1103 (mailing, telemedicine, delivery of abortion-inducing drug)	Civil penalty up to \$50,000 per violation; professional license discipline
Adult (abortion trafficking of minor)	Abortion trafficking of a minor (Tenn. Code Ann. § 39-15-201)	Class A misdemeanor: mandatory imprisonment of 11 months and 29 days; civil liability for wrongful death of unborn child including economic, noneconomic, and punitive damages plus attorney fees

Recent changes

Jul 2025	Federal district court in Welty v.
Apr 2025	Tennessee legislature enacts Public Chapter 217 (SB1004/HB0990), adding statutory definitions of 'inevitable abortion' and 'serious risk of substantial and irreversible impairment of a major bodily function' to clarify the trigger ban's medical-emergency exception.
Oct 2024	Tennessee chancery court issues temporary injunction in Blackmon v.
Jul 2024	Tennessee's abortion-trafficking-of-minors law (Tenn. Code Ann.
Sep 2023	Center for Reproductive Rights files Blackmon v.
Apr 2023	Tennessee legislature amends the trigger ban to convert the medical-emergency provision from an affirmative defense into a true exception, a response to criticism that physicians had only a defense at trial rather than protection from prosecution.
Aug 2022	Tennessee's trigger ban takes effect 30 days after the Tennessee Attorney General's notification to the Tennessee Code Commission, making abortion a Class C felony from fertilization.

Pending changes to watch

Phillips v. State (formerly Blackmon v. State) Litigation · Temporary injunction in effect since October 2024; trial delayed; ongoing A final ruling could permanently clarify the scope of Tennessee's medical-emergency exception—either broadening it to encompass a wider range of pregnancy complications or narrowing it to exclude conditions currently covered by the temporary injunction.
Welty v. Dunaway (appeal of permanent injunction) Litigation · Permanent injunction entered July 18, 2025; state may appeal to Sixth Circuit An appeal could reverse the permanent injunction of the recruitment provision, restoring criminal penalties for adults who talk to minors about out-of-state abortion options.
Proposed rape/incest exception bills (various) Legislation · Repeatedly introduced and defeated in the Tennessee General Assembly; no pending bill with realistic prospects as of mid-2025 If enacted, would create exceptions to the abortion ban for pregnancy resulting from rape or incest, likely with law-enforcement-reporting requirements. Currently, no such legislation has passed committee in the current session.

Key authorities

Trigger Ban / Criminal Abortion Tenn. Code Ann. § 39-15-213 The operative total ban: criminalizes abortion from fertilization as a Class C felony, with the sole medical-emergency exception, superseding all other Tennessee abortion restrictions.
Tennessee Constitution Amendment 1 (2014) Tenn. Const. art. I, § 36 Expressly removes any state constitutional protection for abortion, overruling Planned Parenthood v. Sundquist (2000), and reserves abortion regulation to the legislature.
Informed Consent and Waiting Period Tenn. Code Ann. § 39-15-202 Imposes 48-hour waiting period, state-scripted in-person counseling, ultrasound offer requirement, and physician-only informed consent, with felony penalties for violations.
Abortion-Inducing Drug Risk Protocol Act Tenn. Code Ann. §§ 63-6-1101 to 63-6-1108 Prohibits providing abortion medication by telemedicine or mail; requires in-person physician examination; imposes \$50,000 civil penalty for violations.
Abortion Trafficking of Minors Tenn. Code Ann. § 39-15-201 Criminalizes transporting or harboring a minor for out-of-state abortion without parental consent; creates civil wrongful-death liability; recruitment provision permanently enjoined.

Generated from the structured legal focused deep-research record for TN (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full Tennessee survey. This document has not been reviewed by a lawyer and should not be used as legal advice.