Tennessee legislature passes anti-abortion “heartbeat” bill

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24 June 2020

The Republican Party-dominated Tennessee State Legislature passed legislation Friday that would limit the right to an abortion when a fetal heartbeat can be heard. The bill, which passed by an overwhelming majority of 23–5, is a continuation of the same criminal assault on the rights of women in five others states—Georgia, Kentucky, Mississippi, Alabama and Ohio—where “fetal heartbeat” laws have already been passed.

A doctor violating the law could face up to 15 years in prison and a $10,000 fine. The legislation also bans abortions if the procedure is taking place because of the fetus’s race, sex or diagnosis of Down Syndrome, a genetic disorder causing developmental and intellectual delays. A fetal heartbeat is detectable as early as 6 weeks after conception, when many women would not necessarily even know they were pregnant.

Abortions, already a heart-wrenching decision for many, are made all the more difficult under the new law, which mandates that a physician conduct an ultrasound, determine the gestational age of the fetus and tell the mother. There is an exception to save the life of the mother, but there are no exceptions for rape or incest.

Republican Governor Bill Lee praised the proposal as “the strongest pro-life law in our state’s history.” He is expected within the next 10 days to sign the legislation into law. “One of the most important things we can do to be pro-family is to protect the rights of the most vulnerable in our state, and there is none more vulnerable than the unborn,” Governor Lee wrote on Twitter.

“It is a disgrace that in the face of a true public health crisis, Tennessee politicians wasted their time with this last-minute move to attack abortion access before closing up shop this session,” said Acting Planned Parenthood President Alexis McGill Johnson.

McGill Johnson continued, stating: “We know that the goal of the politicians behind this bill is simple: a total ban on safe, legal abortion. Politicians know that this bill is blatantly unconstitutional. … It is abhorrent that Gov. Lee and politicians in Tennessee are exploiting the fear and uncertainty of a global pandemic to push their cruel anti-abortion agenda.”

The American Civil Liberties Union, the Center for Reproductive Rights, Planned Parenthood and several Tennessee abortion providers filed a federal lawsuit challenging the bill. Democratic Party critics have said the legislation was passed while the Senate’s rules were suspended and claimed the law was unconstitutional. Similar bills in Mississippi and Ohio have been struck down and other bills are being challenged, as will the Tennessee law.

One of the more disgusting aspects of the Tennessee legislature’s attack is the plan to keep bringing the bill back if it is successfully challenged in court. Legislators plan to “ladder” the law by continually adding two weeks of gestational age to the restrictions and re-submitting it for passage.

Lee and his legislature’s concern for “life” does not extend beyond the yet-unborn. Before the COVID-19 pandemic, the poverty rate for the state was 16.7 percent and Tennessee ranked 41st in the nation, according to *welfareinfo.org*, with more than 1 million people, including many children, living in poverty.

Many if not all of the same lawmakers who passed this bill have also refused to expand health insurance for 280,000 low-income Tennesseans. There are 660,000 state residents including more than 77,000 children who have no health insurance, according to the Kaiser Family Foundation.

Tennessee has an infant mortality rate of 6.9 per

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1,000 births. There are 63 nations whose infant death rates are lower, including Russia, Serbia, Hungary, Denmark and Cuba, according to the CIA's *World Factbook* .

Lee has also failed to protect adults and children alike from COVID-19 by only reluctantly issuing a stay-at-home order and failing to provide health care workers with an adequate supply of personal protective equipment (PPE).

There are roughly 80,000 births each year in Tennessee. At any given moment tens of thousands of expectant mothers are facing COVID-19 infection in a state opened too soon, with possible serious effects for mother and child, according to the Centers for Disease Control and Prevention (CDC).

Lee is also cutting funding for postpartum insurance coverage for Tenncare, the federally funded program for the poor that replaced Medicaid and is operated by the state. The postpartum program was started in 2017, when 57 new mothers died within a year of giving birth.

Michele Johnson, the executive director of the Tennessee Justice Center and a persistent critic of the Lee administration's health policies, said it was a tragedy the governor did not leave the funding intact. "This tiny little budget item would have been an opportunity to put his money where his mouth is in terms of valuing black lives," Johnson said. "We know that without these programs we are going to lose babies and we are going to lose mothers in the year 2021."

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