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FOR IMMEDIATE RELEASE
June 28, 2022
#22-21

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TENNESSEE’S HEARTBEAT LAW NOW IN EFFECT ATTORNEY GENERAL SLATERY RESPONDS TO SIXTH CIRCUIT’S RULING

Nashville- Attorney General Herbert H. Slatery III issued the following statement after the full Sixth Circuit Court of Appeals unanimously vacated the district court’s injunction of the timing provisions in the Tennessee “Heartbeat Bill” in *Memphis Center for Reproductive Health v. Slatery*.

“Tennesseans, through their elected representatives, passed the “Heartbeat Bill” in 2020,” said General Slatery. “With today’s unanimous decision from the full Sixth Circuit, the timing provisions prohibiting most abortions are now enforceable.”

It is now illegal in Tennessee to abort an unborn child who has a heartbeat. Specifically, the Heartbeat Bill protects unborn children at 6 weeks gestational age who have a heartbeat, and it also protects unborn children at 8 weeks gestational age or older. These provisions in the Heartbeat Bill have an affirmative defense for medical emergencies.

Additionally, and in connection with a separate statute (Tennessee’s Human Life Protection Act, generally known as the Trigger Act), General Slatery will notify the Tennessee Code Commission that the U.S. Supreme Court overturned the *Roe* and *Casey* decisions in *Dobbs v. Jackson Women’s Health Organization*. He will do this when the Supreme Court issues its judgment in *Dobbs*, which should occur no later than mid-July. Thirty days after that, Tennessee’s Human Life Protection Act will come into effect and take precedence over the Heartbeat Bill. Thus, around mid-August, Tennessee’s Human Life Protection Act will prohibit the abortion of unborn children after fertilization. This law has an affirmative defense when necessary to save the mother’s life or to prevent irreversible impairment of a major bodily function.

To read the Order along with this Office’s Emergency Motion and Reply, click here:
<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-21-motion-reply-order.pdf>

To read the applicable provision of the Heartbeat Bill, click here:
<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-21-heartbeat-bill.pdf>

To read the Human Life Protection act, click here:
<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-21-human-life-protection-act.pdf>

