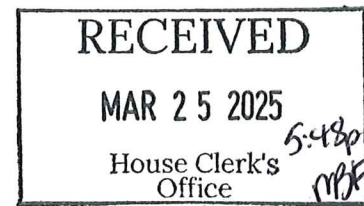




COMMONWEALTH OF KENTUCKY
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**VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING HOUSE BILL 90 OF THE 2025 REGULAR SESSION**

I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under section 88 of the Kentucky Constitution, do hereby veto the following:

House Bill 90 of the 2025 Regular Session of the General Assembly in its entirety.

House Bill 90 blocks access to healthcare and puts the lives of pregnant Kentuckians further at risk. When Kentucky's trigger law was under consideration by the General Assembly in 2019, its sponsor stated in committee that "there is no violation if the abortion is necessary to save the life of the mother." On the House floor, he reiterated, "There's no violation if the abortion is necessary to save the life of the mother." Despite these assurances, the legislature now sees a need to set forth the circumstances under which such life-saving abortion care may be provided.

Although supporters of House Bill 90 claim it protects pregnant women and clarifies abortion law in Kentucky, it actually does the opposite. House Bill 90 creates an exhaustive list of specific emergency situations in which abortions may be provided to save the life of the mother. The bill is silent on any other emergency situations. No one, including legislators, can possibly create an exhaustive list of emergency situations that may occur in a hospital or medical facility. Gaps in the law are literally a matter of life and death.

Further, House Bill 90 contains language and rhetoric not used by medical professionals, such as language suggesting a doctor cannot treat a pregnant woman until she is septic or hemorrhaging and having a bleeding emergency. It also substitutes a physician's best clinical judgment with an ambiguous, unworkable "reasonable medical judgment" standard that will make doctors hesitant to provide life-saving care for fear someone other than the treating doctor, like a prosecutor or a court, may after the fact find it "unreasonable." These barriers to treatment could delay access to evidence-based and lifesaving care.

The American College of Obstetricians and Gynecologists shares these concerns in urging me to veto House Bill 90 and clearly stating that it does not support this bill, contrary to the testimony before a legislative committee on the bill that misrepresented the organization's position.

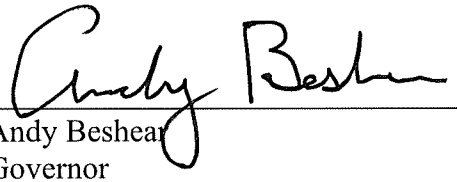
Also, House Bill 90 uses new definitions that have been advanced by advocates who oppose in vitro fertilization and birth control. These definitions set the stage for future legislation and litigation that put these important health care options at risk.

Along with these concerns, House Bill 90 was rushed through the General Assembly in a process that lacks transparency and violates the Kentucky Constitution. The bill began as legislation solely relating to freestanding birthing centers, with the title "AN ACT relating to freestanding birthing centers." It received three readings and passed in the House with that title, then had three readings in the Senate with the same title. Then, less than 24 hours before its final passage in the Senate, new language and a new title about abortion from an entirely different bill were added in a committee. The bill passed the Senate without having three readings under the new title, and when it went back to the House it was again read with the original title. Thus, House Bill 90 never received a single reading by its new title, "AN ACT relating to maternal health and declaring an emergency," in either chamber. The General Assembly passed Senate Bill 90 in violation of Section 46 of the Kentucky Constitution and in a manner that flouted transparency and prevented a thorough review with meaningful input by legislators, the public and healthcare professionals.

House Bill 90 restricts access to medical care, places barriers on doctors and undermines their clinical judgment, and threatens the lives of pregnant women in Kentucky.

For these reasons, I am vetoing House Bill 90.

This, the 25th day of March, 2025.



Andy Beshear
Governor