

CHAPTER 64

(SB 8)

AN ACT relating to the use of public resources.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 311.720 is amended to read as follows:

As used in KRS 311.710 to 311.820, and laws of the Commonwealth unless the context otherwise requires:

- (1) "Abortion" ~~means~~~~[shall mean]~~ the use of any means whatsoever to terminate the pregnancy of a woman known to be pregnant with intent to cause fetal death;
- (2) *"Accepted medical procedures" means procedures of the type performed in the manner and in a facility with equipment sufficient to meet the standards of medical care which physicians engaged in the same or similar lines of work, would ordinarily exercise and devote to the benefit of their patients;*
- (3) *"Cabinet" means the Cabinet for Health and Family Services of the Commonwealth of Kentucky;*
- (4) *"Consent" as used in KRS 311.710 to 311.820 with reference to those who must give their consent means an informed consent expressed by a written agreement to submit to an abortion on a written form of consent to be promulgated by the secretary for health and family services;*
- (5) *"Family planning services" means educational, medical, and social services and activities that enable individuals to determine the number and spacing of their children and to select the means by which this may be achieved;*
- (6) *"Fetus" means a human being from fertilization until birth;*
- (7) *"Hospital" means those institutions licensed in the Commonwealth of Kentucky pursuant to the provisions of KRS Chapter 216;*
- (8) *"Human being" means any member of the species homo sapiens from fertilization until death;*
- (9) *"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;*
- (10) *"Medical necessity" means a medical condition of a pregnant woman that, in the reasonable judgment of the physician who is attending the woman, so complicates the pregnancy that it necessitates the immediate performance or inducement of an abortion;*
- (11) *"Partial-birth abortion" means an abortion in which the physician performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery;*
- (12) *"Physician" means any person licensed to practice medicine in the Commonwealth or osteopathy pursuant to this chapter;*
- (13) *"Probable gestational age of the embryo or fetus" means the gestational age that, in the judgment of a physician, is, with reasonable probability, the gestational age of the embryo or fetus at the time that the abortion is planned to be performed;*
- (14) *"Public agency" means the Commonwealth of Kentucky, any agency, department, entity, or instrumentality thereof, any city, county, agency, department, entity, or instrumentality thereof, or any other political subdivision of the Commonwealth, agency, department, entity, or instrumentality thereof;*
- (15) *"Vaginally delivers a living fetus before killing the fetus" means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus; and*
- (16) *"Viability" means that stage of human development when the life of the unborn child may be continued by natural or life-supportive systems outside the womb of the mother†*

- (2) ~~"Hospital" shall mean those institutions licensed in the Commonwealth of Kentucky pursuant to the provisions of KRS Chapter 216;~~
- (3) ~~"Consent" as used in KRS 311.710 to 311.820 with reference to those who must give their consent shall mean an informed consent expressed by a written agreement to submit to an abortion on a written form of consent to be promulgated by the secretary for health and family services;~~
- (4) ~~"Cabinet" shall mean the Cabinet for Health and Family Services of the Commonwealth of Kentucky;~~
- (5) ~~"Fetus" shall mean a human being from fertilization until birth;~~
- (6) ~~"Human being" shall mean any member of the species homo sapiens from fertilization until death;~~
- (7) ~~"Partial birth abortion" shall mean an abortion in which the physician performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery;~~
- (8) ~~"Vaginally delivers a living fetus before killing the fetus" shall mean deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus;~~
- (9) ~~"Physician" shall mean any person licensed to practice medicine in the Commonwealth or osteopathy pursuant to the provisions of this chapter;~~
- (10) ~~"Viability" shall mean that stage of human development when the life of the unborn child may be continued by natural or life supportive systems outside the womb of the mother;~~
- (11) ~~"Accepted medical procedures" shall mean procedures of the type performed in the manner and in a facility with equipment sufficient to meet the standards of medical care which physicians engaged in the same or similar lines of work, would ordinarily exercise and devote to the benefit of their patients;~~
- (12) ~~"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;~~
- (13) ~~"Medical necessity" means a medical condition of a pregnant woman that, in the reasonable judgment of the physician who is attending the woman, so complicates the pregnancy that it necessitates the immediate performance or inducement of an abortion; and~~
- (14) ~~"Probable gestational age of the embryo or fetus" means the gestational age that, in the judgment of a physician, is, with reasonable probability, the gestational age of the embryo or fetus at the time that the abortion is planned to be performed].~~

➔Section 2. KRS 311.715 is amended to read as follows:

- (1) ~~[(No)]~~Public **agency** funds shall **not** be used for the purpose of obtaining an abortion or paying for the performance of an abortion. Public medical facilities may be used for the purpose of conducting research into or the performance of in-vitro fertilization as long as such procedures do not result in the intentional destruction of a human embryo.~~[For purposes of this section, "public funds" means any money of the Commonwealth of Kentucky, any department, agency or instrumentality thereof, or any money of any county, city, agency or instrumentality thereof or any money of any other political subdivision of the Commonwealth, agency or instrumentality thereof.]~~
- (2) (a) *Public agency funds shall not be directly or indirectly used, granted, paid, or distributed to any nonpublic entity or organization described in paragraph (b)3. of this subsection. This paragraph shall not apply to funding available through KRS 205.510 to 205.560 to the minimum extent necessary to comply with federal conditions for the state's participation in the program established by KRS 205.510 to 205.560 or to funding that is used to provide abstinence education in schools.*
- (b) *Notwithstanding any other state law to the contrary, all federal family planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the following order of descending priority:*
1. *Public agencies that directly provide family planning services, including state, county, and local community health clinics and federally qualified health centers;*
 2. *Nonpublic entities that directly provide basic health services, as described in 42 U.S.C. sec. 254b(b)(1)(A), including family planning services; and*

3. *Nonpublic entities that directly provide only family planning services but do not provide all basic health services as described in 42 U.S.C. sec. 254b(b)(1)(A).*
- (c) *This subsection shall be effective upon repeal of federal regulations prohibiting states from prioritizing recipients of federal Public Health Service Act, Title X Family Planning Program funds.*
- (3) Nothing in this section shall be deemed to deprive a woman of all appropriate medical care necessary to prevent her physical death.
- (4) Nothing in this section shall be construed to allow public funds to pay for in-vitro fertilization procedures performed on any individual patient.

Signed by Governor March 21, 2017.