

## CHAPTER 4

## ( HB 2 )

AN ACT relating to medical procedures and declaring an emergency.

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

➔Section 1. KRS 15.241 is amended to read as follows:

- (1) The Attorney General ~~may~~~~, upon certification by the secretary of the Cabinet for Health and Family Services,~~ ~~shall~~ seek injunctive relief *as well as civil and criminal penalties* in ~~courts~~~~[a court]~~ of proper jurisdiction to prevent, *penalize, and remedy* violations of ~~the provisions of~~:
- (a) KRS Chapter 216B regarding abortion facilities ~~and~~~~for~~ the administrative regulations promulgated in furtherance thereof;
  - (b) *KRS 311.710 to 311.830 regarding abortions and the administrative regulations promulgated in furtherance thereof; and*
  - (c) *KRS Chapter 39A and any orders or directives issued thereunder relating to elective medical procedures, including but not limited to abortions*~~[in cases where other administrative penalties and legal sanctions imposed have failed to prevent or cause a discontinuance of the violation].~~
- (2) *Nothing in this section shall limit or preclude such authority as the secretary of the Cabinet for Health and Family Services has to seek the relief set forth in subsection (1) of this section.*

➔Section 2. Notwithstanding any law to the contrary, under any state of emergency declared by the Governor in response to COVID-19 or any orders or directives thereunder issued in response to COVID-19:

- (1) An abortion facility licensed under KRS Chapter 216B and administrative regulations promulgated thereunder shall not deem an abortion to be an emergent or urgent medical procedure; and
- (2) A physician shall not deem an abortion to be performed in an abortion facility licensed under KRS Chapter 216B to be an emergent or urgent medical procedure."

➔Section 3. Whereas the Governor has declared that a state of emergency exists in the Commonwealth of Kentucky as a result of COVID-19, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Veto overridden February 2, 2021.**