

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
(New Administrative Regulation)

901 KAR 5:130. Certificate of abortion.

RELATES TO: KRS 213.011, 213.096

STATUTORY AUTHORITY: KRS 194A.050, 213.096, 2022 Ky. Acts Ch. 210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 213.096(4) authorizes a person in charge of an institution or that person's designated representative to complete a certificate of an abortion when requested by the patient. 2022 Ky. Acts ch. 210 requires the cabinet to design the form to request a certificate of abortion and to incorporate the form in an administrative regulation. This administrative regulation establishes the process for requesting a certificate of an abortion and incorporates by reference the certificate worksheet form.

Section 1. Definitions.

- (1) "Abortion" is defined by KRS 213.011(1).
- (2) "Fetal death" is defined by KRS 213.011(4).

Section 2. Certificate of abortion.

- (1) In accordance with KRS 213.096(4), a patient may request a certificate of abortion when:
 - (a) The abortion occurs at twenty (20) weeks gestation or more; or
 - (b) The fetus weighs three hundred fifty (350) grams or more; and
 - (c) The abortion is not reported as a stillbirth or fetal death.
- (2) The Abortion Certificate Worksheet, VS-920A, shall be:
 - (a) Signed by the person in charge of the institution or that person's designated representative; and
 - (b) Filed with the state registrar within five (5) working days of the date of abortion.
- (3) A registered certificate of abortion shall only be released to:
 - (a) The individual named as mother on the certificate; or
 - (b) The legal guardian of the individual named as mother on the certificate.
- (4) A non-refundable fee of fifteen (15) dollars shall be paid for the search and certification of abortion certificate records.

Section 3. Incorporation by Reference.

- (1) "Abortion Certificate Worksheet", VS-920A, 6/2022, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, first floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.
- (3) This material may be obtained, subject to applicable copyright law, at <https://chfs.ky.gov/agencies/dph/dehp/vsb/Pages/abreqadr.aspx>.

STEVEN J. STACK, Commissioner, Department for Public Health
ERIC C. FRIEDLANDER, Secretary, Cabinet for Health and Family Services

APPROVED BY AGENCY: July 11, 2022
FILED WITH LRC: July 13, 2022 at 8:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 26, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by September 19, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.