

311.7705 Prohibition against performing or inducing abortion before determining whether fetal heartbeat exists -- Exceptions -- Written notation -- Persons not in violation.

- (1) Except as provided in subsection (2) of this section, no person shall intentionally perform or induce an abortion on a pregnant woman before determining in accordance with KRS 311.7704(1) whether the unborn human individual the pregnant woman is carrying has a detectable fetal heartbeat.
- (2)
 - (a) Subsection (1) of this section shall not apply to a physician who performs or induces the abortion if the physician believes that a medical emergency exists that prevents compliance with subsection (1) of this section.
 - (b) A physician who performs or induces an abortion on a pregnant woman based on the exception in paragraph (a) of this subsection shall make written notations in the pregnant woman's medical records of both of the following:
 1. The physician's belief that a medical emergency necessitating the abortion existed; and
 2. The medical condition of the pregnant woman that prevented compliance with subsection (1) of this section.The physician shall maintain a copy of the notations in the physician's own records for at least seven (7) years from the date the notations were made.
- (3) A person is not in violation of subsection (1) of this section if the person acts in accordance with KRS 311.7704(1) and the method used to determine the presence of a fetal heartbeat does not reveal a fetal heartbeat.
- (4) A pregnant woman on whom an abortion is intentionally performed or induced in violation of subsection (1) of this section is not guilty of violating subsection (1) of this section or of attempting to commit, conspiring to commit, or complicity in committing a violation of subsection (1) of this section. In addition, the pregnant woman is not subject to a civil penalty based on the abortion being performed or induced in violation of subsection (1) of this section.

Effective: March 15, 2019

History: Created 2019 Ky. Acts ch. 20, sec. 5, effective March 15, 2019.