

311.821 Definitions for KRS 311.821 to 311.827.

As used in KRS 311.821 to 311.827:

- (1) "Abortion" has the same meaning as in KRS 311.720. However, as used in KRS 311.821 to 311.827, an abortion shall not include the use of any means to terminate the pregnancy of a woman if done with an intent to:
 - (a) Save the life or preserve the health of the unborn child;
 - (b) Remove a dead unborn child caused by spontaneous abortion; or
 - (c) Remove an ectopic pregnancy;
- (2) "Advanced practice registered nurse" has the same meaning as in KRS 314.011;
- (3) "Born-alive" or "live birth" means the complete expulsion or extraction of an infant from his or her mother, regardless of the state of gestational development, who, after expulsion or extraction, whether or not the umbilical cord has been cut or the placenta is attached, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion, shows any evidence of life, including but not limited to one (1) or more of the following:
 - (a) Breathing;
 - (b) A heartbeat;
 - (c) Umbilical cord pulsation; or
 - (d) Definite movement of voluntary muscles;
- (4) "Consent" means the voluntary agreement or acquiescence by a person of age and with the requisite mental capacity who is not under duress or coercion and who has knowledge or understanding of the act or action to which he or she has agreed or acquiesced;
- (5) "Healthcare provider" means any individual who may be asked to participate in any way in a healthcare service, including but not limited to a physician; physician assistant; advanced practice registered nurse; nurse; nurse's aide; medical assistant; hospital employee; clinic employee; nursing home employee; pharmacist; pharmacy employee; researcher; medical or nursing school faculty or employee; or any professional, paraprofessional, or any other person who furnishes or assists in the furnishing of healthcare services;
- (6) "Infant" means a child of the species homo sapiens who has been completely expelled or extracted from his or her mother, regardless of the stage of gestational development, until the age of thirty (30) days post birth;
- (7) "Medical facility" means any public or private hospital, clinic, center, medical school, medical training institution, healthcare facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location where medical care is provided to any person;
- (8) "Nurse" has the same meaning as in KRS 314.011;
- (9) "Physician" has the same meaning as in KRS 311.720;
- (10) "Physician assistant" has the same meaning as in KRS 311.840; and
- (11) "Unborn child" has the same meaning as in KRS 311.781.

Effective: January 22, 2021

History: Created 2021 Ky. Acts ch. 1, sec. 1, effective January 22, 2021.

Legislative Research Commission Note (1/29/2021). 2021 Ky. Acts ch. 1, sec. 13 provided that that Act, which contains KRS 311.821 to 311.827, 311.595, 311.850, 311.990, 314.091, and 315.121, may be cited as the Born-Alive Infant Protection Act and as the Avacyn Act.

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