

311.7739 Legal actions upon failure to comply with KRS 311.7731 to 311.7739.

- (1) In addition to the remedies available under the laws in this state, failure to comply with KRS 311.7731 to 311.7739 shall:
 - (a) Provide a basis for a civil malpractice action for actual and punitive damages;
 - (b) Provide a basis for a professional disciplinary action under KRS 411.167; and
 - (c) Provide a basis for recovery for a pregnant patient's survivors for the wrongful death of the patient under KRS 411.130.
- (2) When requested, the court shall allow a patient to proceed using only the patient's initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the patient upon whom the drug-induced abortion was attempted, induced, or performed.
- (3) If judgment is rendered in favor of the plaintiff, the court shall also render judgment for reasonable attorney's fees in favor of the plaintiff against the defendant.
- (4) If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court may render judgment for reasonable attorney's fees in favor of the defendant against the plaintiff.

Effective: April 14, 2022

History: Created 2022 Ky. Acts ch. 210, sec. 11, effective April 14, 2022.