

**216B.208 Plan to enforce program -- Private right of action.**

- (1) The cabinet shall develop a plan to enforce the Kentucky Abortion-Inducing Drug Certification Program that includes the following conditions:
  - (a) If an individual or entity intentionally, knowingly, or recklessly provides abortion-inducing drugs without first seeking certification, the cabinet shall:
    1. Immediately report the act to local law enforcement or other applicable state and local agencies; and
    2. Impose a fine of no less than five million dollars (\$5,000,000) for pharmacies, manufacturers, or distributors;
  - (b) If a certified pharmacy, manufacturer, or distributor is determined to be in noncompliance, suspend any certification until compliance is proven to the satisfaction of the cabinet;
  - (c) If a current or previously certified pharmacy, manufacturer, or distributor is found to have intentionally, knowingly, or recklessly violated certification requirements, or refuses to bring operations into compliance within ninety (90) calendar days, remove certification and prohibit continued provision of abortion-inducing drugs by the pharmacy, manufacturer, or distributor until compliance is demonstrated to the satisfaction of the cabinet;
  - (d) If a certified pharmacy, manufacturer, or distributor is in noncompliance, suspend annual recertification until compliance is demonstrated to the satisfaction of the cabinet; and
  - (e) If a current or previously certified pharmacy, manufacturer, or distributor is found to have intentionally, knowingly, or recklessly violated KRS 216B.200 to 216B.210, or refuses to bring operations into compliance:
    1. Immediately suspend the pharmacy's, manufacturer's, or distributor's certification until full compliance is demonstrated;
    2. For certified pharmacies, manufacturers, or distributors, impose fines of not less than one million dollars (\$1,000,000) per offense;
    3. For registered physicians, impose fines of not less than one hundred thousand dollars (\$100,000) per offense;
    4. Permanently revoke the certification of the offender if the offender fails to demonstrate compliance within ninety (90) calendar days;
    5. Impose remedial actions, which may include additional education, additional reporting, or other actions as required by the cabinet;
    6. In the case of a pharmacy, manufacturer, or distributor, recommend sanctioning to the appropriate disciplinary committee of the cabinet;
    7. In the case of a licensed physician, report the violation to the Kentucky Board of Medical Licensure and recommend appropriate sanctioning;
    8. Publicly report any disciplinary actions, consistent with the practices of the cabinet;
    9. Permanently revoke the certification of the offender; and
    10. In the case of a pharmacy, manufacturer, or distributor, report the

violation to the Kentucky Board of Pharmacy and recommend appropriate sanctions, including permanent revocation of licensure.

- (2) Individuals have a private right of action to seek restitution in any court of law with appropriate jurisdiction for any and all damages suffered for intentional, knowing, or reckless violations of KRS 216B.200 to 216B.210.

**Effective:** April 14, 2022

**History:** Created 2022 Ky. Acts ch. 210, sec. 18, effective April 14, 2022.