

**311.715 Use of public agency funds for abortion prohibited -- Use of public medical facilities for in-vitro fertilization permitted -- Distribution of public agency funds to entity that performs or counsels for abortion or family planning prohibited -- Order of priority for awarding federal family planning funds upon repeal of federal regulations that bar prioritizing recipients.**

- (1) As used in this section, "public agency funds" means any money, regardless of the original source of the money, of a public agency.
- (2) Public agency funds shall not be used for the purpose of obtaining an abortion or paying for the performance of an abortion. Public medical facilities may be used for the purpose of conducting research into or the performance of in-vitro fertilization as long as such procedures do not result in the intentional destruction of a human embryo.
- (3) Public agency funds shall not be directly or indirectly used, granted, paid, or distributed to any entity, organization, or individual that performs, induces, refers for, or counsels in favor of abortions. This subsection shall not apply to funding available through KRS 205.510 to 205.560 to the minimum extent necessary to comply with federal conditions for the state's participation in the program established by KRS 205.510 to 205.560 or to funding that is used to provide abstinence education in schools.
- (4)
  - (a) Public agency funds shall not be directly or indirectly used, granted, paid, or distributed to any nonpublic entity or organization described in paragraph (b)3. of this subsection. This paragraph shall not apply to funding available through KRS 205.510 to 205.560 to the minimum extent necessary to comply with federal conditions for the state's participation in the program established by KRS 205.510 to 205.560 or to funding that is used to provide abstinence education in schools.
  - (b) Notwithstanding any other state law to the contrary, all federal family planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the following order of descending priority:
    1. Public agencies that directly provide family planning services, including state, county, and local community health clinics and federally qualified health centers;
    2. Nonpublic entities that directly provide basic health services, as described in 42 U.S.C. sec. 254b(b)(1)(A), including family planning services; and
    3. Nonpublic entities that directly provide only family planning services but do not provide all basic health services as described in 42 U.S.C. sec. 254b(b)(1)(A).
  - (c) This subsection shall be effective upon repeal of federal regulations prohibiting states from prioritizing recipients of federal Public Health Service Act, Title X Family Planning Program funds.
- (5) Nothing in this section shall be deemed to deprive a woman of all appropriate medical care necessary to prevent her physical death.
- (6) Nothing in this section shall be construed to allow public funds to pay for

in-vitro fertilization procedures performed on any individual patient.

**Effective:** April 14, 2022

**History:** Amended 2022 Ky. Acts ch. 210, sec. 24, effective April 14, 2022. -- Amended 2017 Ky. Acts ch. 64, sec. 2, effective June 29, 2017. -- Amended 1984 Ky. Acts ch. 377, sec. 9, effective July 13, 1984. -- Created 1980 Ky. Acts ch. 315, sec. 1, effective July 15, 1980.

**Legislative Research Commission Note (4/14/2022).** This statute was amended by 2022 Ky. Acts ch. 210, sec. 24. Section 38 of that Act states, "Sections 1 to 31 of this Act may be cited as the Humanity in Healthcare Act of 2022."