

311.783 Required determination of unborn child's probable gestational age prior to abortion -- Penalty for violation -- Report.

- (1) Except in a medical emergency that prevents compliance with this section, no physician shall intentionally perform or induce or intentionally attempt to perform or induce an abortion on a pregnant woman unless, prior to the performance or inducement of the abortion or the attempt to perform or induce the abortion, the physician determines, in the physician's reasonable medical judgment, the unborn child's probable gestational age. The physician shall make that determination after making inquiries of the pregnant woman and performing any medical examinations or tests of the pregnant woman the physician considers necessary as a reasonably prudent physician, knowledgeable about the case and medical conditions involved, would consider necessary to determine the unborn child's probable gestational age.
- (2) Except in a medical emergency that prevents compliance with this section, no physician shall intentionally perform or induce or intentionally attempt to perform or induce an abortion on a pregnant woman after the unborn child reaches the probable gestational age of fifteen (15) weeks without first entering the determination made in subsection (1) of this section and the associated findings of the medical examination and tests in the medical record of the pregnant woman.
- (3) The state Board of Medical Licensure shall suspend a physician's license to practice medicine in this state for a period of not less than six (6) months if the physician violates this section.
- (4) The physician shall submit a report on a form provided by the cabinet that includes at a minimum the information required by KRS 213.101 and:
 - (a) The unborn child's probable gestational age determined by the physician; and
 - (b) The results of inquiries of the pregnant woman and any medical examinations or tests performed.

Effective: April 14, 2022

History: Amended 2022 Ky. Acts ch. 210, sec. 27, effective April 14, 2022. -- Created 2017 Ky. Acts ch. 5, sec. 3, effective January 9, 2017.

Legislative Research Commission Note (4/14/2022). This statute was amended by 2022 Ky. Acts ch. 210, sec. 27. Section 38 of that Act states, "Sections 1 to 31 of this Act may be cited as the Humanity in Healthcare Act of 2022."