

311.7811 Legislative findings and declarations.

The General Assembly finds and declares, according to contemporary medical research, all of the following:

- (1) Medical and other authorities now know more about human prenatal development than ever before, including:
 - (a) Between five (5) and six (6) weeks' gestation, an unborn child's heart begins beating;
 - (b) At approximately eight (8) weeks' gestation, an unborn child begins to move about in the womb;
 - (c) At nine (9) weeks' gestation, all basic physiological functions are present, including teeth, eyes, and external genitalia;
 - (d) At ten (10) weeks' gestation, an unborn child's vital organs begin to function, and hair, fingernails, and toenails begin to form;
 - (e) At eleven (11) weeks' gestation, an unborn child's diaphragm is developing, he or she may even hiccup, and he or she is beginning to move about freely in the womb; and
 - (f) At twelve (12) weeks' gestation, an unborn child can open and close his or her fingers, starts to make sucking motions, senses stimulation from the world outside the womb, and has taken on "the human form" in all relevant aspects under *Gonzales v. Carhart*, 550 U.S. 124, 160 (2007);
- (2) The United States Supreme Court has long recognized that the state has an "important and legitimate interest in protecting the potentiality of human life," *Roe v. Wade*, 410 U.S. 113, 162 (1973), and specifically that "the state has an interest in protecting the life of the unborn," *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 873 (1992);
- (3) The majority of abortion procedures performed after fifteen (15) weeks' gestation are dilation and evacuation procedures which involve the use of surgical instruments to crush and tear the unborn child apart before removing the pieces of the dead child from the womb, procedures prohibited under KRS 311.787, and the General Assembly finds that the intentional commitment of such acts for nontherapeutic or elective reasons is a barbaric practice, dangerous for the maternal patient, and demeaning to the medical profession;
- (4) Abortion carries significant physical and psychological risks to the maternal patient, and these physical and psychological risks increase with gestational age;
- (5) As the second trimester progresses, in the vast majority of uncomplicated pregnancies, the maternal health risks of undergoing an abortion are greater than the risks of carrying a pregnancy to term;
- (6) Seventy-five percent (75%) of all the nations in the world do not permit abortion after twelve (12) weeks' gestation except, in most instances, to save the life and preserve the physical health of the mother; and
- (7) The Commonwealth of Kentucky has legitimate interests from the outset of the pregnancy in protecting both the health of the woman and the life of an unborn human individual who may be born.

Effective: April 14, 2022

History: Created 2022 Ky. Acts ch. 210, sec. 32, effective April 14, 2022.