

311.787 Prohibition of certain abortion procedures when the probable gestational age of the unborn child is 11 weeks or greater, except in the case of a medical emergency -- Penalty not to apply to pregnant woman.

- (1) As used in this section:
 - (a) "Bodily dismemberment, crushing, or human vivisection" means a procedure in which a person, with the purpose of causing the death of an unborn child, dismembers the living unborn child and extracts portions, pieces, or limbs of the unborn child from the uterus through the use of clamps, grasping forceps, tongs, scissors, or a similar instrument that, through the convergence of two (2) rigid levers, slices, crushes, or grasps, or performs any combination of those actions on, any portion, piece, or limb of the unborn child's body to cut or separate the portion, piece, or limb from the body. The term includes a procedure that is used to cause the death of an unborn child and in which suction is subsequently used to extract portions, pieces, or limbs of the unborn child after the unborn child's death;
 - (b) "Medical emergency" has the same meaning as in KRS 311.720;
 - (c) "Probable gestational age" has the same meaning as in KRS 311.720; and
 - (d) "Unborn child" has the same meaning as in KRS 311.781.
- (2) No person shall intentionally perform or induce or attempt to perform or induce an abortion on a pregnant woman:
 - (a) That will result in the bodily dismemberment, crushing, or human vivisection of the unborn child; and
 - (b) When the probable gestational age of the unborn child is eleven (11) weeks or greater;except in the case of a medical emergency.
- (3) A pregnant woman on whom an abortion is performed or induced or attempted to be performed or induced in violation of subsection (2) of this section is not guilty of violating subsection (2) of this section or of attempting to commit, conspiring to commit, or complicity in committing a violation of subsection (2) of this section.

Effective: April 14, 2022

History: Amended 2022 Ky. Acts ch. 210, sec. 36, effective April 14, 2022. -- Created 2018 Ky. Acts ch. 142, sec. 1, effective April 10, 2018.