

### **311.720 Definitions for KRS 311.710 to 311.820 and other laws.**

As used in KRS 311.710 to 311.820, and laws of the Commonwealth unless the context otherwise requires:

- (1) (a) "Abortion" means the performance of any act with the intent to terminate the clinically diagnosable pregnancy of a woman known to be pregnant with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child by one (1) or more of the following means:
  1. Administering, prescribing, or providing any abortion-inducing drug as defined in KRS 311.7731, potion, medicine, or any other substance or device to a pregnant female; or
  2. Using an instrument or external force on a pregnant female.
- (b) "Abortion" does not mean those actions that require separating the pregnant woman from her unborn child when performed by a licensed physician as provided in KRS 311.723;
- (2) "Accepted medical procedures" means procedures of the type performed in the manner and in a facility with equipment sufficient to meet the standards of medical care which physicians engaged in the same or similar lines of work, would ordinarily exercise and devote to the benefit of their patients;
- (3) "Cabinet" means the Cabinet for Health and Family Services of the Commonwealth of Kentucky;
- (4) "Consent," as used in KRS 311.710 to 311.820 with reference to those who must give their consent, means an informed consent expressed by a written agreement to submit to an abortion on a written form of consent to be promulgated by the secretary for health and family services;
- (5) "Family planning services" means educational, medical, and social services and activities that enable individuals to determine the number and spacing of their children and to select the means by which this may be achieved;
- (6) "Fetus" means a human being from fertilization until birth;
- (7) "Hospital" means those institutions licensed in the Commonwealth of Kentucky pursuant to the provisions of KRS Chapter 216;
- (8) "Human being" means any member of the species homo sapiens from fertilization until death;
- (9) "Medical emergency" means any condition which, on the basis of the physician's reasonable medical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;
- (10) "Medical necessity" means a medical condition of a pregnant woman that, in the reasonable medical judgment of the physician who is attending the woman, so complicates the pregnancy that it necessitates the immediate performance or inducement of an abortion;
- (11) "Partial-birth abortion" means an abortion in which the physician performing the

abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery;

- (12) "Perinatal care" means the health care provided to both the mother and child, including prenatal, intrapartum, and postpartum care, with a focus on optimizing outcomes and addressing potential complications;
- (13) "Physician" means any person licensed to practice medicine in the Commonwealth or osteopathy pursuant to this chapter;
- (14) "Probable gestational age of the embryo or fetus" means the gestational age that, in the judgment of a physician, is, with reasonable probability, the gestational age of the embryo or fetus at the time that the abortion is planned to be performed;
- (15) "Public agency" means the Commonwealth of Kentucky; any agency, department, entity, or instrumentality thereof; any city, county, agency, department, entity, or instrumentality thereof; or any other political subdivision of the Commonwealth, agency, department, entity, or instrumentality thereof;
- (16) "Reasonable medical judgment" means the range of conclusions or recommendations that licensed medical practitioners with similarly sufficient training and experience may communicate to a patient based upon current available medical evidence;
- (17) "Unborn child" has the same meaning as "unborn human being" in KRS 311.772;
- (18) "Vaginally delivers a living fetus before killing the fetus" means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus; and
- (19) "Viability" means that stage of human development when the life of the unborn child may be continued by natural or life-supportive systems outside the womb of the mother.

**Effective:** March 27, 2025

**History:** Amended 2025 Ky. Acts ch. 121, sec. 20, effective March 27, 2025. -- Amended 2017 Ky. Acts ch. 64, sec. 1, effective June 29, 2017. -- Amended 2005 Ky. Acts ch. 99, sec. 587, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 541, effective July 15, 1998; ch. 578, sec. 1, effective July 15, 1998; and ch. 614, sec. 1, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 342, sec. 2, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 255, sec. 2.

**Legislative Research Commission Note (3/27/2025).** 2025 Ky. Acts ch. 121, sec. 25, provides that the Act, which amended this statute, may be cited as the Love Them Both Act of 2025.