



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

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**VETO MESSAGE FROM THE**  
**GOVERNOR OF THE COMMONWEALTH OF KENTUCKY**  
**REGARDING HOUSE BILL 3 OF THE**  
**2022 REGULAR SESSION**

*I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under section 88 of the Kentucky Constitution, do hereby veto the following:*

House Bill 3 of the 2022 Regular Session of the General Assembly in its entirety.

*House Bill 3 contains no exceptions or exclusions for pregnancies caused by rape or incest. Under House Bill 3, a 12-year-old child that is raped and impregnated by her father would not have the option of a procedure without both the consent of her mother and without also notifying her rapist – her father – at least 48 hours prior to obtaining a procedure or by petitioning a circuit or district court for a hearing where this violated and hurt child would be judged as to her: credibility and demeanor as a witness; ability to accept responsibility; ability to assess both the current and future life-impacting consequences of, and alternatives to, the procedure; and ability to understand the medical risks of the procedure and to apply that understanding to her decision.*

*Rape and incest are violent crimes. Victims of these crimes should have options, not be further scarred through a process that exposes them to more harm from their rapists or that treats them like offenders themselves.*


*Furthermore, House Bill 3 is likely unconstitutional. Similar statutes in Texas and Louisiana have been ruled unconstitutional by the United States Supreme Court. Specifically, House Bill 3 requires physicians performing nonsurgical procedures to maintain hospital admitting privileges in geographical proximity to the location where the procedure is performed. The Supreme Court has ruled such requirements unconstitutional as it makes it impossible for women, including a child who is a victim of rape or incest, to obtain a procedure in certain areas of the state.*

*To implement House Bill 3 would require the Cabinet for Health and Family Services to, among other things, create three new full-time positions, build an electronic database to store and track a certification and complaint program, and establish additional public reporting requirements at an estimated initial cost of close to \$1 million. However, the General Assembly does not appropriate any funds to the Cabinet in House Bill 3, which will result in underfunded essential programs and duties carried out by the Cabinet. The unfunded mandated also comes, meaning it*

*will go into effect without providing the Cabinet any resources or time to implement these changes and delaying access to legal procedures under the bill. An agency is under no obligation to carry out an unfunded mandate. In the absence of an appropriation, these unfunded statutes may not be implemented. See Fletcher v. Commonwealth, 163 S.W.3d 852, 865 (Ky. 2005).*

*For these reasons, I am vetoing House Bill 3.*

This, the 8<sup>th</sup> day of April, 2022.

  
Andy Beshear  
Governor