

1 AN ACT to prohibit abortion if the unborn has or may have Down syndrome and
2 declaring an emergency.

3 WHEREAS, the Declaration of Independence recognizes the fundamental truth that
4 all people have been endowed by their Creator with certain unalienable rights, that among
5 these are life, liberty, and the pursuit of happiness; and

6 WHEREAS, the Constitution of this Commonwealth guarantees that all people
7 have the right of seeking and pursuing their safety and happiness; and

8 WHEREAS, the Commonwealth of Kentucky statutorily recognizes an unborn child
9 as a human being from conception onward, without regard to age, health, or condition of
10 dependency; and

11 WHEREAS, the Commonwealth of Kentucky statutorily bans discrimination
12 against individuals with disabilities; and

13 WHEREAS, these statutory acknowledgments of the unborn child's humanity and
14 the rights of persons with Down syndrome to live unencumbered by discrimination
15 compel a recognition of the imperative to prevent the ending of an unborn child's life for
16 discriminatory purposes; and

17 WHEREAS, the Supreme Court of the United States of America has recognized
18 that states have a legitimate interest in protecting the life of the unborn; and

19 WHEREAS, recognizing the human rights of an unborn child does not contravene
20 prior Supreme Court jurisprudence nor undermine a woman's right to self-determination
21 or bodily autonomy, but instead upholds the state's legitimate interest in protecting the
22 life of the unborn and the rights of persons with Down syndrome; and

23 WHEREAS, moral and philosophical concepts of dignity hold that a human being is
24 entitled to receive ethical and humane treatment and is to be respected and valued in all
25 phases of life, regardless of mental or physical capacities; and

26 WHEREAS, certain abortive medical procedures are unfairly discriminatory against
27 unborn children with Down syndrome in contravention of their unalienable rights; and

1 WHEREAS, children born with Down syndrome can live full and healthy lives and
2 become upstanding and valuable members of communities within the Commonwealth;

3 NOW, THEREFORE,

4 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

5 ➔SECTION 1. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED
6 TO READ AS FOLLOWS:

7 *(1) As used in this section:*

8 *(a) "Down syndrome" means a chromosome disorder associated either with an*
9 *extra chromosome twenty-one (21), in whole or in part, or an effective*
10 *trisomy for chromosome twenty-one (21);*

11 *(b) "Medical emergency" has the same meaning as in KRS 311.720;*

12 *(c) "Physician" has the same meaning as in KRS 311.720; and*

13 *(d) "Unborn child" has the same meaning as in KRS 311.781.*

14 *(2) No person shall intentionally perform or induce or attempt to perform or induce*
15 *an abortion on a pregnant woman if the person has knowledge that the pregnant*
16 *woman is seeking the abortion, in whole or in part, because of any of the*
17 *following:*

18 *(a) A test result indicating Down syndrome in an unborn child;*

19 *(b) A prenatal diagnosis of Down syndrome in an unborn child; or*

20 *(c) Any other reason to believe that an unborn child has Down syndrome;*
21 *except in the case of a medical emergency.*

22 *(3) In the report required under Section 4 of this Act, the attending physician shall*
23 *certify in writing that the attending physician does not have knowledge that the*
24 *pregnant woman was seeking the abortion, in whole or in part, because of any of*
25 *the following:*

26 *(a) A test result indicating Down syndrome in an unborn child;*

27 *(b) A prenatal diagnosis of Down syndrome in an unborn child; or*

- 1 (c) Any other reason to believe that an unborn child has Down syndrome.
- 2 (4) The State Board of Medical Licensure shall revoke a physician's license to
3 practice medicine in this state if the physician violates subsection (2) of this
4 section.
- 5 (5) Any physician who violates subsection (2) of this section is liable in a civil action
6 for compensatory and punitive damages and reasonable attorney's fees to any
7 person, or the representative of the estate of any person, who sustains injury,
8 death, or loss to person or property as the result of the performance or
9 inducement or the attempted performance or inducement of the abortion. In any
10 action under this subsection, the court also may award any injunctive or other
11 equitable relief that the court considers appropriate.
- 12 (6) A pregnant woman on whom an abortion is performed or induced or attempted to
13 be performed or induced in violation of subsection (2) of this section is not guilty
14 of violating subsection (2) of this section or of attempting to commit, conspiring
15 to commit, or complicity in committing a violation of subsection (2) of this
16 section.
- 17 (7) If any provision of this section is held invalid, or if the application of any
18 provision of this section to any person or circumstance is held invalid, the
19 invalidity of that provision does not affect any other provisions or applications of
20 this section or KRS 311.710 to 311.820 that can be given effect without the
21 invalid provision or application, and to this end the provisions of this section and
22 KRS 311.710 to 311.820 are severable. In particular, it is the intent of the
23 General Assembly that any invalidity or potential invalidity of a provision of this
24 section is not to impair the immediate and continuing enforceability of any other
25 provisions of this section and KRS 311.710 to 311.820. It is furthermore the
26 intent of the General Assembly that the provisions of this section are not to have
27 the effect of repealing or limiting any other laws of this state.

1 ➔Section 2. KRS 311.595 is amended to read as follows:

2 If the power has not been transferred by statute to some other board, commission, or
3 agency of this state, the board may deny an application or reregistration for a license;
4 place a licensee on probation for a period not to exceed five (5) years; suspend a license
5 for a period not to exceed five (5) years; limit or restrict a license for an indefinite period;
6 or revoke any license heretofore or hereafter issued by the board, upon proof that the
7 licensee has:

- 8 (1) Knowingly made or presented, or caused to be made or presented, any false,
9 fraudulent, or forged statement, writing, certificate, diploma, or other thing, in
10 connection with an application for a license or permit;
- 11 (2) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion,
12 or conspiracy in connection with an examination for a license;
- 13 (3) Committed, procured, or aided in the procurement of an unlawful abortion,
14 including a partial-birth abortion *or an abortion in violation of Section 1 of this*
15 *Act*;
- 16 (4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or
17 without the Commonwealth of Kentucky of a crime as defined in KRS 335B.010, if
18 in accordance with KRS Chapter 335B;
- 19 (5) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a
20 patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or
21 been found by the board to have had sexual contact as defined in KRS 510.010(7)
22 with a patient while the patient was under the care of the physician;
- 23 (6) Become addicted to a controlled substance;
- 24 (7) Become a chronic or persistent alcoholic;
- 25 (8) Been unable or is unable to practice medicine according to acceptable and
26 prevailing standards of care by reason of mental or physical illness or other
27 condition including but not limited to physical deterioration that adversely affects

- 1 cognitive, motor, or perceptive skills, or by reason of an extended absence from the
2 active practice of medicine;
- 3 (9) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely
4 to deceive, defraud, or harm the public or any member thereof;
- 5 (10) Knowingly made, or caused to be made, or aided or abetted in the making of, a false
6 statement in any document executed in connection with the practice of his
7 profession;
- 8 (11) Employed, as a practitioner of medicine or osteopathy in the practice of his
9 profession in this state, any person not duly licensed or otherwise aided, assisted, or
10 abetted the unlawful practice of medicine or osteopathy or any other healing art;
- 11 (12) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the
12 violation of, or conspired to violate any provision or term of any medical practice
13 act, including but not limited to the code of conduct promulgated by the board under
14 KRS 311.601 or any other valid regulation of the board;
- 15 (13) Violated any agreed order, letter of agreement, final order, or emergency order
16 issued by the board;
- 17 (14) Engaged in or attempted to engage in the practice of medicine or osteopathy under a
18 false or assumed name, or impersonated another practitioner of a like, similar, or
19 different name;
- 20 (15) Obtained a fee or other thing of value on the fraudulent representation that a
21 manifestly incurable condition could be cured;
- 22 (16) Willfully violated a confidential communication;
- 23 (17) Had his license to practice medicine or osteopathy in any other state, territory, or
24 foreign nation revoked, suspended, restricted, or limited or has been subjected to
25 other disciplinary action by the licensing authority thereof. This subsection shall not
26 require relitigation of the disciplinary action;
- 27 (18) Failed or refused, without legal justification, to practice medicine in a rural area of

- 1 this state in violation of a valid medical scholarship loan contract with the trustees
2 of the rural Kentucky medical scholarship fund;
- 3 (19) Given or received, directly or indirectly, from any person, firm, or corporation, any
4 fee, commission, rebate, or other form of compensation for sending, referring, or
5 otherwise inducing a person to communicate with a person licensed under KRS
6 311.530 to 311.620 in his professional capacity or for any professional services not
7 actually and personally rendered; provided, however, that nothing contained in this
8 subsection shall prohibit persons holding valid and current licenses under KRS
9 311.530 to 311.620 from practicing medicine in partnership or association or in a
10 professional service corporation authorized by KRS Chapter 274, as now or
11 hereinafter amended, or from pooling, sharing, dividing, or apportioning the fees
12 and moneys received by them or by the partnership, corporation, or association in
13 accordance with the partnership agreement or the policies of the board of directors
14 of the corporation or association. Nothing contained in this subsection shall
15 abrogate the right of two (2) or more persons holding valid and current licenses
16 under KRS 311.530 to 311.620 to receive adequate compensation for concurrently
17 rendering professional care to a single patient and divide a fee, if the patient has full
18 knowledge of this division and if the division is made in proportion to the services
19 performed and responsibility assumed by each;
- 20 (20) Been removed, suspended, expelled, or disciplined by any professional medical
21 association or society when the action was based upon what the association or
22 society found to be unprofessional conduct, professional incompetence, malpractice,
23 or a violation of any provision of KRS Chapter 311. This subsection shall not
24 require relitigation of the disciplinary action;
- 25 (21) Been disciplined by a licensed hospital or medical staff of the hospital, including
26 removal, suspension, limitation of hospital privileges, failing to renew privileges for
27 cause, resignation of privileges under pressure or investigation, or other disciplinary

1 action if the action was based upon what the hospital or medical staff found to be
2 unprofessional conduct, professional incompetence, malpractice, or a violation of
3 any provisions of KRS Chapter 311. This subsection shall not require relitigation of
4 the disciplinary action; or

5 (22) Failed to comply with the requirements of KRS 213.101, 311.782, or 311.783 or
6 failed to submit to the Vital Statistics Branch in accordance with a court order a
7 complete report as described in KRS 213.101.

8 ➔Section 3. KRS 311.990 is amended to read as follows:

- 9 (1) Any person who violates KRS 311.250 shall be guilty of a violation.
- 10 (2) Any college or professor thereof violating the provisions of KRS 311.300 to
11 311.350 shall be civilly liable on his bond for a sum not less than one hundred
12 dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation,
13 which may be recovered by an action in the name of the Commonwealth.
- 14 (3) Any person who presents to the county clerk for the purpose of registration any
15 license which has been fraudulently obtained, or obtains any license under KRS
16 311.380 to 311.510 by false or fraudulent statement or representation, or practices
17 podiatry under a false or assumed name or falsely impersonates another practitioner
18 or former practitioner of a like or different name, or aids and abets any person in the
19 practice of podiatry within the state without conforming to the requirements of KRS
20 311.380 to 311.510, or otherwise violates or neglects to comply with any of the
21 provisions of KRS 311.380 to 311.510, shall be guilty of a Class A misdemeanor.
22 Each case of practicing podiatry in violation of the provisions of KRS 311.380 to
23 311.510 shall be considered a separate offense.
- 24 (4) Each violation of KRS 311.560 shall constitute a Class D felony.
- 25 (5) Each violation of KRS 311.590 shall constitute a Class D felony. Conviction under
26 this subsection of a holder of a license or permit shall result automatically in
27 permanent revocation of such license or permit.

- 1 (6) Conviction of willfully resisting, preventing, impeding, obstructing, threatening, or
2 interfering with the board or any of its members, or of any officer, agent, inspector,
3 or investigator of the board or the Cabinet for Health and Family Services, in the
4 administration of any of the provisions of KRS 311.550 to 311.620 shall be a Class
5 A misdemeanor.
- 6 (7) Each violation of subsection (1) of KRS 311.375 shall, for the first offense, be a
7 Class B misdemeanor, and, for each subsequent offense shall be a Class A
8 misdemeanor.
- 9 (8) Each violation of subsection (2) of KRS 311.375 shall, for the first offense, be a
10 violation, and, for each subsequent offense, be a Class B misdemeanor.
- 11 (9) Each day of violation of either subsection of KRS 311.375 shall constitute a
12 separate offense.
- 13 (10) (a) Any person who intentionally or knowingly performs an abortion contrary to
14 the requirements of KRS 311.723(1) shall be guilty of a Class D felony; and
15 (b) Any person who intentionally, knowingly, or recklessly violates the
16 requirements of KRS 311.723(2) shall be guilty of a Class A misdemeanor.
- 17 (11) (a) 1. Any physician who performs a partial-birth abortion in violation of KRS
18 311.765 shall be guilty of a Class D felony. However, a physician shall
19 not be guilty of the criminal offense if the partial-birth abortion was
20 necessary to save the life of the mother whose life was endangered by a
21 physical disorder, illness, or injury.
- 22 2. A physician may seek a hearing before the State Board of Medical
23 Licensure on whether the physician's conduct was necessary to save the
24 life of the mother whose life was endangered by a physical disorder,
25 illness, or injury. The board's findings, decided by majority vote of a
26 quorum, shall be admissible at the trial of the physician. The board shall
27 promulgate administrative regulations to carry out the provisions of this

1 subparagraph.

2 3. Upon a motion of the physician, the court shall delay the beginning of
3 the trial for not more than thirty (30) days to permit the hearing, referred
4 to in subparagraph 2. of this paragraph, to occur.

5 (b) Any person other than a physician who performs a partial-birth abortion shall
6 not be prosecuted under this subsection but shall be prosecuted under
7 provisions of law which prohibit any person other than a physician from
8 performing any abortion.

9 (c) No penalty shall be assessed against the woman upon whom the partial-birth
10 abortion is performed or attempted to be performed.

11 (12) Any person who intentionally performs an abortion with knowledge that, or with
12 reckless disregard as to whether, the person upon whom the abortion is to be
13 performed is an unemancipated minor, and who intentionally or knowingly fails to
14 conform to any requirement of KRS 311.732 is guilty of a Class A misdemeanor.

15 (13) Any person who negligently releases information or documents which are
16 confidential under KRS 311.732 is guilty of a Class B misdemeanor.

17 (14) Any person who performs an abortion upon a married woman either with
18 knowledge or in reckless disregard of whether KRS 311.735 applies to her and who
19 intentionally, knowingly, or recklessly fails to conform to the requirements of KRS
20 311.735 shall be guilty of a Class D felony.

21 (15) Any person convicted of violating KRS 311.750 shall be guilty of a Class B felony.

22 (16) Any person who violates KRS 311.760(2) shall be guilty of a Class D felony.

23 (17) Any person who violates KRS 311.770~~[or 311.780]~~ shall be guilty of a Class D
24 felony.

25 (18) A person convicted of violating KRS 311.780 shall be guilty of a Class C felony.

26 **(19) Except as provided in subsection (6) of Section 1 of this Act, any person who**
27 **violates subsection (2) of Section 1 of this Act shall be guilty of a Class D felony.**

1 ~~(20)~~~~(19)~~ Except as provided in KRS 311.782(6), any person who intentionally violates
2 KRS 311.782 shall be guilty of a Class D felony.

3 ~~(21)~~~~(20)~~ Any person who violates KRS 311.783(1) shall be guilty of a Class B
4 misdemeanor.

5 ~~(22)~~~~(21)~~ Any person who violates KRS 311.810 shall be guilty of a Class A
6 misdemeanor.

7 ~~(23)~~~~(22)~~ Any professional medical association or society, licensed physician, or
8 hospital or hospital medical staff who shall have violated the provisions of KRS
9 311.606 shall be guilty of a Class B misdemeanor.

10 ~~(24)~~~~(23)~~ Any administrator, officer, or employee of a publicly owned hospital or
11 publicly owned health care facility who performs or permits the performance of
12 abortions in violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.

13 ~~(25)~~~~(24)~~ Any person who violates KRS 311.905(3) shall be guilty of a violation.

14 ~~(26)~~~~(25)~~ Any person who violates the provisions of KRS 311.820 shall be guilty of a
15 Class A misdemeanor.

16 ~~(27)~~~~(26)~~ (a) Any person who fails to test organs, skin, or other human tissue which is
17 to be transplanted, or violates the confidentiality provisions required by KRS
18 311.281, shall be guilty of a Class A misdemeanor.

19 (b) Any person who has human immunodeficiency virus infection, who knows he
20 is infected with human immunodeficiency virus, and who has been informed
21 that he may communicate the infection by donating organs, skin, or other
22 human tissue who donates organs, skin, or other human tissue shall be guilty
23 of a Class D felony.

24 ~~(28)~~~~(27)~~ Any person who sells or makes a charge for any transplantable organ shall be
25 guilty of a Class D felony.

26 ~~(29)~~~~(28)~~ Any person who offers remuneration for any transplantable organ for use in
27 transplantation into himself shall be fined not less than five thousand dollars

1 (\$5,000) nor more than fifty thousand dollars (\$50,000).

2 ~~(30)~~~~(29)~~ Any person brokering the sale or transfer of any transplantable organ shall be
3 guilty of a Class C felony.

4 ~~(31)~~~~(30)~~ Any person charging a fee associated with the transplantation of a
5 transplantable organ in excess of the direct and indirect costs of procuring,
6 distributing, or transplanting the transplantable organ shall be fined not less than
7 fifty thousand dollars (\$50,000) nor more than five hundred thousand dollars
8 (\$500,000).

9 ~~(32)~~~~(31)~~ Any hospital performing transplantable organ transplants which knowingly
10 fails to report the possible sale, purchase, or brokering of a transplantable organ
11 shall be fined not less than ten thousand dollars (\$10,000) or more than fifty
12 thousand dollars (\$50,000).

13 ~~(33)~~~~(32)~~ (a) Any physician or qualified technician who violates KRS 311.727 shall
14 be fined not more than one hundred thousand dollars (\$100,000) for a first
15 offense and not more than two hundred fifty thousand dollars (\$250,000) for
16 each subsequent offense.

17 (b) In addition to the fine, the court shall report the violation of any physician, in
18 writing, to the Kentucky Board of Medical Licensure for such action and
19 discipline as the board deems appropriate.

20 ~~(34)~~~~(33)~~ Any person who violates KRS 311.691 shall be guilty of a Class B
21 misdemeanor for the first offense, and a Class A misdemeanor for a second or
22 subsequent offense. In addition to any other penalty imposed for that violation, the
23 board may, through the Attorney General, petition a Circuit Court to enjoin the
24 person who is violating KRS 311.691 from practicing genetic counseling in
25 violation of the requirements of KRS 311.690 to 311.700.

26 ➔Section 4. KRS 213.101 is amended to read as follows:

27 (1) Each induced termination of pregnancy which occurs in the Commonwealth,

- 1 regardless of the length of gestation, shall be reported to the Vital Statistics Branch
2 by the person in charge of the institution within fifteen (15) days after the end of the
3 month in which the termination occurred. If the induced termination of pregnancy
4 was performed outside an institution, the attending physician shall prepare and file
5 the report within fifteen (15) days after the end of the month in which the
6 termination occurred. The report shall include all the information the physician is
7 required to certify in writing or determine under Section 1 of this Act, KRS
8 311.782, and 311.783, but shall not include information which will identify the
9 physician, woman, or man involved.
- 10 (2) The name of the person completing the report and the reporting institution shall not
11 be subject to disclosure under KRS 61.870 to 61.884.
- 12 (3) By September 30 of each year, the Vital Statistics Branch shall issue a public report
13 that provides statistics for the previous calendar year compiled from all of the
14 reports covering that calendar year submitted to the cabinet in accordance with this
15 section for each of the items listed in subsection (1) of this section. Each annual
16 report shall also provide statistics for all previous calendar years in which this
17 section was in effect, adjusted to reflect any additional information from late or
18 corrected reports. The Vital Statistics Branch shall ensure that none of the
19 information included in the report could reasonably lead to the identification of any
20 pregnant woman upon whom an abortion was performed or attempted.
- 21 (4) (a) Any person or institution who fails to submit a report by the end of thirty (30)
22 days following the due date set in subsection (1) of this section shall be
23 subject to a late fee of five hundred dollars (\$500) for each additional thirty
24 (30) day period or portion of a thirty (30) day period the report is overdue.
- 25 (b) Any person or institution who fails to submit a report, or who has submitted
26 only an incomplete report, more than one (1) year following the due date set in
27 subsection (1) of this section, may in a civil action brought by the Vital

1 Statistics Branch be directed by a court of competent jurisdiction to submit a
2 complete report within a time period stated by court order or be subject to
3 contempt of court.

4 (c) Failure by any physician to comply with the requirements of this section, other
5 than filing a late report, or to submit a complete report in accordance with a
6 court order shall subject the physician to KRS 311.595.

7 (5) Intentional falsification of any report required under this section is a Class A
8 misdemeanor.

9 (6) Within ninety (90) days of *the effective date of this Act*~~[January 9, 2017]~~, the Vital
10 Statistics Branch shall promulgate administrative regulations in accordance with
11 KRS Chapter 13A to assist in compliance with this section.

12 ➔Section 5. KRS 413.140 is amended to read as follows:

13 (1) The following actions shall be commenced within one (1) year after the cause of
14 action accrued:

15 (a) An action for an injury to the person of the plaintiff, or of her husband, his
16 wife, child, ward, apprentice, or servant;

17 (b) An action for injuries to persons, cattle, or other livestock by railroads or other
18 corporations, with the exception of hospitals licensed pursuant to KRS
19 Chapter 216;

20 (c) An action for malicious prosecution, conspiracy, arrest, seduction, criminal
21 conversation, or breach of promise of marriage;

22 (d) An action for libel or slander;

23 (e) An action against a physician, surgeon, dentist, or hospital licensed pursuant
24 to KRS Chapter 216, for negligence or malpractice;

25 (f) A civil action, arising out of any act or omission in rendering, or failing to
26 render, professional services for others, whether brought in tort or contract,
27 against a real estate appraiser holding a certificate or license issued under

- 1 KRS Chapter 324A;
- 2 (g) An action for the escape of a prisoner, arrested or imprisoned on civil process;
- 3 (h) An action for the recovery of usury paid for the loan or forbearance of money
- 4 or other thing, against the loaner or forbearer or assignee of either;
- 5 (i) An action for the recovery of stolen property, by the owner thereof against any
- 6 person having the same in his possession;
- 7 (j) An action for the recovery of damages or the value of stolen property, against
- 8 the thief or any accessory;
- 9 (k) An action arising out of a detention facility disciplinary proceeding, whether
- 10 based upon state or federal law;
- 11 (l) An action for damages arising out of a deficiency, defect, omission, error, or
- 12 miscalculation in any survey or plat, whether brought in tort or contract,
- 13 against a licensed professional land surveyor holding a license under KRS
- 14 Chapter 322;~~and~~
- 15 (m) An action for violating KRS 311.782; **and**
- 16 **(n) An action for violating Section 1 of this Act.**
- 17 (2) In respect to the action referred to in paragraph (e) of subsection (1) of this section,
- 18 the cause of action shall be deemed to accrue at the time the injury is first
- 19 discovered or in the exercise of reasonable care should have been discovered;
- 20 provided that such action shall be commenced within five (5) years from the date on
- 21 which the alleged negligent act or omission is said to have occurred.
- 22 (3) In respect to the action referred to in paragraph (f) or (l) of subsection (1) of this
- 23 section, the cause of action shall be deemed to accrue within one (1) year from the
- 24 date of the occurrence or from the date when the cause of action was, or reasonably
- 25 should have been, discovered by the party injured.
- 26 (4) In respect to the action referred to in paragraph (h) of subsection (1) of this section,
- 27 the cause of action shall be deemed to accrue at the time of payment. This limitation

1 shall apply to all payments made on all demands, whether evidenced by writing or
2 existing only in parol.

3 (5) In respect to the action referred to in paragraph (i) of subsection (1) of this section,
4 the cause of action shall be deemed to accrue at the time the property is found by its
5 owner.

6 (6) In respect to the action referred to in paragraph (j) of subsection (1) of this section,
7 the cause of action shall be deemed to accrue at the time of discovery of the
8 liability.

9 (7) In respect to the action referred to in paragraph (k) of subsection (1) of this section,
10 the cause of action shall be deemed to accrue on the date an appeal of the
11 disciplinary proceeding is decided by the institutional warden.

12 (8) In respect to the action referred to in subsection (1)(m) and (n) of this section, the
13 cause of action shall be deemed to accrue after the performance or inducement or
14 attempt to perform or induce the abortion.

15 ➔Section 6. Whereas the fundamental rights of Kentuckians with Down
16 syndrome deserve immediate protection, an emergency is declared to exist, and this Act
17 takes effect upon its passage and approval by the Governor or upon its otherwise
18 becoming a law.