

1 AN ACT relating to abortion and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
4 TO READ AS FOLLOWS:

5 *As used in Sections 1 to 11 of this Act:*

6 *(1) "Conception" means fertilization;*

7 *(2) "Contraceptive" means a drug, device, or chemical that prevents conception;*

8 *(3) "Fertilization" has the same meaning as in KRS 311.781;*

9 *(4) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic*
10 *contraction of the fetal heart within the gestational sac;*

11 *(5) "Fetus" means the human offspring developing during pregnancy from the*
12 *moment of conception and includes the embryonic stage of development;*

13 *(6) "Frivolous conduct" has the same meaning as in KRS 311.784;*

14 *(7) "Gestational age" means the age of an unborn human individual as calculated*
15 *from the first day of the last menstrual period of a pregnant woman;*

16 *(8) "Gestational sac" means the structure that comprises the extraembryonic*
17 *membranes that envelop the fetus and that is typically visible by ultrasound after*
18 *the fourth week of pregnancy;*

19 *(9) "Intrauterine pregnancy" means a pregnancy in which the fetus is attached to*
20 *the placenta within the uterus of the pregnant woman;*

21 *(10) "Medical emergency" has the same meaning as in KRS 311.781;*

22 *(11) "Physician" has the same meaning as in KRS 311.720;*

23 *(12) "Pregnancy" means the human female reproductive condition that begins with*
24 *fertilization, when the woman is carrying the developing human offspring, and*
25 *that is calculated from the first day of the last menstrual period of the woman;*

26 *(13) "Serious risk of the substantial and irreversible impairment of a major bodily*
27 *function" has the same meaning as in KRS 311.781;*

1 (14) "Spontaneous miscarriage" means the natural or accidental termination of a
2 pregnancy and the expulsion of the fetus, typically caused by genetic defects in
3 the fetus or physical abnormalities in the pregnant woman;

4 (15) "Standard medical practice" means the degree of skill, care, and diligence that a
5 physician of the same medical specialty would employ in like circumstances. As
6 applied to the method used to determine the presence of a fetal heartbeat for
7 purposes of Section 4 of this Act, "standard medical practice" includes
8 employing the appropriate means of detection depending on the estimated
9 gestational age of the fetus and the condition of the woman and her pregnancy;
10 and

11 (16) "Unborn child" and "unborn human individual" have the same meaning as
12 "unborn child" has in KRS 311.781.

13 ➔SECTION 2. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
14 TO READ AS FOLLOWS:

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

17 (1) As many as thirty percent (30%) of natural pregnancies end in spontaneous
18 miscarriage;

19 (2) Less than five percent (5%) of all natural pregnancies end in spontaneous
20 miscarriage after detection of fetal cardiac activity;

21 (3) Over ninety percent (90%) of intrauterine pregnancies survive the first trimester
22 if cardiac activity is detected in the gestational sac;

23 (4) Nearly ninety percent (90%) of in vitro pregnancies do not survive the first
24 trimester where cardiac activity is not detected in the gestational sac;

25 (5) Fetal heartbeat, therefore, has become a key medical predictor that an unborn
26 human individual will reach live birth;

27 (6) Cardiac activity begins at a biologically identifiable moment in time, normally

1 when the fetal heart is formed in the gestational sac;

2 (7) The Commonwealth of Kentucky has legitimate interests from the outset of the
 3 pregnancy in protecting the health of the woman and the life of an unborn
 4 human individual who may be born; and

5 (8) In order to make an informed choice about whether to continue her pregnancy,
 6 the pregnant woman has a legitimate interest in knowing the likelihood of the
 7 fetus surviving to full-term birth based upon the presence of cardiac activity.

8 ➔SECTION 3. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
 9 TO READ AS FOLLOWS:

10 Sections 4 to 7 of this Act apply only to intrauterine pregnancies.

11 ➔SECTION 4. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
 12 TO READ AS FOLLOWS:

13 (1) (a) A person who intends to perform or induce an abortion on a pregnant
 14 woman shall determine whether there is a detectable fetal heartbeat of the
 15 unborn human individual the pregnant woman is carrying. The method of
 16 determining the presence of a fetal heartbeat shall be consistent with the
 17 person's good faith understanding of standard medical practice, provided
 18 that if administrative regulations have been promulgated under subsection
 19 (2) of this section, the method chosen shall be one that is consistent with the
 20 regulations.

21 (b) The person who determines the presence or absence of a fetal heartbeat
 22 shall record in the pregnant woman's medical record the estimated
 23 gestational age of the unborn human individual, the method used to test for
 24 a fetal heartbeat, the date and time of the test, and the results of the test.

25 (c) The person who performs the examination for the presence of a fetal
 26 heartbeat shall give the pregnant woman the option to view or hear the fetal
 27 heartbeat.

1 (2) The secretary of the Cabinet for Health and Family Services may promulgate
2 administrative regulations specifying the appropriate methods of performing an
3 examination for the purpose of determining the presence of a fetal heartbeat of
4 an unborn human individual based on standard medical practice. The
5 regulations shall require only that an examination shall be performed externally.

6 (3) A person is not in violation of subsections (1) or (2) of this section if:

7 (a) The person has performed an examination for the purpose of determining
8 the presence of a fetal heartbeat of an unborn human individual utilizing
9 standard medical practice;

10 (b) The examination does not reveal a fetal heartbeat or the person has been
11 informed by a physician who has performed the examination for a fetal
12 heartbeat that the examination did not reveal a fetal heartbeat; and

13 (c) The person notes in the pregnant woman's medical records the procedure
14 utilized to detect the presence of a fetal heartbeat.

15 ➔SECTION 5. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
16 TO READ AS FOLLOWS:

17 (1) Except as provided in subsection (2) of this section, no person shall intentionally
18 perform or induce an abortion on a pregnant woman before determining in
19 accordance with subsection (1) of Section 4 of this Act whether the unborn
20 human individual the pregnant woman is carrying has a detectable fetal
21 heartbeat.

22 (2) (a) Subsection (1) of this section shall not apply to a physician who performs or
23 induces the abortion if the physician believes that a medical emergency
24 exists that prevents compliance with subsection (1) of this section.

25 (b) A physician who performs or induces an abortion on a pregnant woman
26 based on the exception in paragraph (a) of this subsection shall make
27 written notations in the pregnant woman's medical records of both of the

1 following:

2 1. The physician's belief that a medical emergency necessitating the
3 abortion existed; and

4 2. The medical condition of the pregnant woman that prevented
5 compliance with subsection (1) of this section.

6 The physician shall maintain a copy of the notations in the physician's own
7 records for at least seven (7) years from the date the notations were made.

8 (3) A person is not in violation of subsection (1) of this section if the person acts in
9 accordance with subsection (1) of Section 4 of this Act and the method used to
10 determine the presence of a fetal heartbeat does not reveal a fetal heartbeat.

11 (4) A pregnant woman on whom an abortion is intentionally performed or induced
12 in violation of subsection (1) of this section is not guilty of violating subsection
13 (1) of this section or of attempting to commit, conspiring to commit, or complicity
14 in committing a violation of subsection (1) of this section.

15 ➔SECTION 6. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
16 TO READ AS FOLLOWS:

17 (1) Except as provided in subsection (2) of this section, if a person who intends to
18 perform or induce an abortion on a pregnant woman has determined under
19 Section 4 of this Act that the unborn human individual the pregnant woman is
20 carrying has a detectable fetal heartbeat, the person shall not perform or induce
21 the abortion until all of the following requirements have been met and at least
22 twenty-four (24) hours have elapsed after the last of the requirements is met:

23 (a) The person intending to perform or induce the abortion shall inform the
24 pregnant woman in writing that the unborn human individual the pregnant
25 woman is carrying has a fetal heartbeat;

26 (b) The person intending to perform or induce the abortion shall:

27 1. Inform the pregnant woman, to the best of the person's knowledge, of

- 1 the statistical probability of bringing the unborn human individual
2 possessing a fetal heartbeat to term based on the gestational age of the
3 unborn human individual the pregnant woman is carrying; or
4 2. If the secretary of the Cabinet for Health and Family Services has
5 specified statistical probability information pursuant to administrative
6 regulations promulgated under subsection (4) of this section, provide
7 to the pregnant woman that information; and
8 (c) The pregnant woman shall sign a form acknowledging that she has received
9 information from the person intending to perform or induce the abortion
10 that the unborn human individual the pregnant woman is carrying has a
11 fetal heartbeat and that the pregnant woman is aware of the statistical
12 probability of bringing the unborn human individual the pregnant woman
13 is carrying to term.
14 (2) Subsection (1) of this section shall not apply if the person who intends to perform
15 or induce the abortion believes that a medical emergency exists that prevents
16 compliance with subsection (1) of this section.
17 (3) A pregnant woman on whom an abortion is intentionally performed or induced
18 in violation of subsection (1) of this section is not guilty of violating subsection
19 (1) of this section or of attempting to commit, conspiring to commit, or complicity
20 in committing a violation of subsection (1) of this section.
21 (4) The secretary of the Cabinet for Health and Family Services may promulgate
22 administrative regulations that specify information regarding the statistical
23 probability of bringing an unborn human individual possessing a detectable fetal
24 heartbeat to term based on the gestational age of the unborn human individual.
25 The regulations shall be based on available medical evidence.
26 (5) This section shall not repeal or limit any other provision of the Kentucky Revised
27 Statutes relating to informed consent for an abortion, including the provisions of

1 **KRS 311.725.**

2 ➔ SECTION 7. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
3 TO READ AS FOLLOWS:

4 **(1) Except as provided in subsection (2) of this section, no person shall intentionally**
5 **perform or induce an abortion on a pregnant woman with the specific intent of**
6 **causing or abetting the termination of the life of the unborn human individual**
7 **the pregnant woman is carrying and whose fetal heartbeat has been detected in**
8 **accordance with subsection (1) of Section 4 of this Act.**

9 **(2) (a) Subsection (1) of this section shall not apply to a physician who performs a**
10 **medical procedure that, in the physician's reasonable medical judgment, is**
11 **designed or intended to prevent the death of the pregnant woman or to**
12 **prevent a serious risk of the substantial and irreversible impairment of a**
13 **major bodily function of the pregnant woman.**

14 **(b) A physician who performs a medical procedure as described in paragraph**
15 **(a) of this subsection shall, in writing:**

16 **1. Declare that the medical procedure is necessary, to the best of the**
17 **physician's reasonable medical judgment, to prevent the death of the**
18 **pregnant woman or to prevent a serious risk of the substantial and**
19 **irreversible impairment of a major bodily function of the pregnant**
20 **woman; and**

21 **2. Specify the pregnant woman's medical condition that the medical**
22 **procedure is asserted to address and the medical rationale for the**
23 **physician's conclusion that the medical procedure is necessary to**
24 **prevent the death of the pregnant woman or to prevent a serious risk**
25 **of the substantial and irreversible impairment of a major bodily**
26 **function of the pregnant woman.**

27 **(c) The physician shall place the written document required by paragraph (b)**

1 of this subsection in the pregnant woman's medical records. The physician
 2 shall maintain a copy of the document in the physician's own records for at
 3 least seven (7) years from the date the document is created.

4 (3) A person is not in violation of subsection (1) of this section if the person acts in
 5 accordance with subsection (1) of Section 4 of this Act and the method used to
 6 determine the presence of a fetal heartbeat does not reveal a fetal heartbeat.

7 (4) A pregnant woman on whom an abortion is intentionally performed or induced
 8 in violation of subsection (1) of this section is not guilty of violating subsection
 9 (1) of this section or of attempting to commit, conspiring to commit, or complicity
 10 in committing a violation of subsection (1) of this section.

11 (5) Subsection (1) of this section shall not repeal or limit any other provision of the
 12 Kentucky Revised Statutes that restricts or regulates the performance or
 13 inducement of an abortion by a particular method or during a particular stage of
 14 a pregnancy.

15 ➔SECTION 8. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
 16 TO READ AS FOLLOWS:

17 (1) The provisions of this section are independent of the requirements of Sections 4
 18 to 7 of this Act.

19 (2) A person who performs or induces an abortion on a pregnant woman shall:

20 (a) If the reason for the abortion purported is to preserve the health of the
 21 pregnant woman, specify in a written document the medical condition that
 22 the abortion is asserted to address and the medical rationale for the person's
 23 conclusion that the abortion is necessary to address that condition; or

24 (b) If the reason for the abortion is other than to preserve the health of the
 25 pregnant woman, specify in a written document that maternal health is not
 26 the purpose of the abortion.

27 (3) The person who specifies the information in the document described in

1 subsection (2) of this section shall place the document in the pregnant woman's
2 medical records. The person who specifies the information shall maintain a copy
3 of the document in the person's own records for at least seven (7) years from the
4 date the document is created.

5 ➔SECTION 9. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
6 TO READ AS FOLLOWS:

7 Nothing in Sections 1 to 11 of this Act prohibits the sale, use, prescription, or
8 administration of a drug, device, or chemical that is designed for contraceptive
9 purposes.

10 ➔SECTION 10. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
11 TO READ AS FOLLOWS:

12 The Cabinet for Health and Family Services shall inspect the medical records from
13 any facility that performs abortions to ensure that the physicians or other persons who
14 perform abortions at that facility are in compliance with the reporting requirements
15 under Section 16 of this Act. The facility shall make the medical records available for
16 inspection to the Cabinet for Health and Family Services but shall not release any
17 personal medical information in the medical records that is prohibited by law.

18 ➔SECTION 11. A NEW SECTION OF KRS 311.710 TO 311.830 IS CREATED
19 TO READ AS FOLLOWS:

20 (1) It is the intent of the General Assembly that a court judgment or order
21 suspending enforcement of any provision of Sections 1 to 11 of this Act is not to
22 be regarded as tantamount to repeal of that provision.

23 (2) (a) After the issuance of a decision by the Supreme Court of the United States
24 overruling Roe v. Wade, 410 U.S. 113 (1973), the issuance of any other
25 court order or judgment restoring, expanding, or clarifying the authority of
26 states to prohibit or regulate abortion entirely or in part, or the effective
27 date of an amendment to the Constitution of the United States restoring,

1 expanding, or clarifying the authority of states to prohibit or regulate
 2 abortion entirely or in part, the Attorney General may apply to the pertinent
 3 state or federal court for either or both of the following:

4 1. A declaration that any one (1) or more sections specified in subsection
 5 (1) of this section are constitutional; or

6 2. A judgment or order lifting an injunction against the enforcement of
 7 any one (1) or more sections specified in subsection (1) of this section.

8 (b) If the Attorney General fails to apply for the relief described in paragraph
 9 (a) of this subsection within thirty (30) days of an event described in
 10 paragraph (a) of this subsection, any Commonwealth or county attorney
 11 may apply to the appropriate state or federal court for such relief.

12 (3) If any provision of Sections 1 to 11 of this Act are held invalid, or if the
 13 application of such provision to any person or circumstance is held invalid, the
 14 invalidity of that provision does not affect any other provisions or applications of
 15 Sections 1 to 11 of this Act that can be given effect without the invalid provision
 16 or application, and to this end the provisions of Sections 1 to 11 of this Act are
 17 severable as provided in KRS 446.090. In particular, it is the intent of the General
 18 Assembly that:

19 (a) Any invalidity or potential invalidity of a provision of Sections 1 to 11 of this
 20 Act is not to impair the immediate and continuing enforceability of the
 21 remaining provisions; and

22 (b) The provisions of Sections 1 to 11 of this Act are not to have the effect of
 23 repealing or limiting any other laws of this state, except as specified by
 24 Sections 1 to 11 of this Act.

25 ➔Section 12. KRS 311.725 is amended to read as follows:

26 (1) No abortion shall be performed or induced except with the voluntary and informed
 27 written consent of the woman upon whom the abortion is to be performed or

1 induced. Except in the case of a medical emergency, consent to an abortion is
2 voluntary and informed if and only if:

3 (a) At least twenty-four (24) hours prior to the abortion, a physician, licensed
4 nurse, physician assistant, or social worker to whom the responsibility has
5 been delegated by the physician has verbally informed the woman of all of the
6 following:

- 7 1. The nature and purpose of the particular abortion procedure or treatment
8 to be performed and of those medical risks and alternatives to the
9 procedure or treatment that a reasonable patient would consider material
10 to the decision of whether or not to undergo the abortion;
- 11 2. The probable gestational age of the embryo or fetus at the time the
12 abortion is to be performed; and
- 13 3. The medical risks associated with the pregnant woman carrying her
14 pregnancy to term;

15 (b) At least twenty-four (24) hours prior to the abortion, in an individual, private
16 setting, a physician, licensed nurse, physician assistant, or social worker to
17 whom the responsibility has been delegated by the physician has informed the
18 pregnant woman that:

- 19 1. The cabinet publishes the printed materials described in paragraphs (a)
20 and (b) of subsection (2) of this section and that she has a right to review
21 the printed materials and that copies will be provided to her by the
22 physician, licensed nurse, physician assistant, or social worker free of
23 charge if she chooses to review the printed materials;
- 24 2. Medical assistance benefits may be available for prenatal care,
25 childbirth, and neonatal care, and that more detailed information on the
26 availability of such assistance is contained in the printed materials
27 published by the cabinet; and

- 1 3. The father of the fetus is liable to assist in the support of her child, even
2 in instances where he has offered to pay for the abortion;
- 3 (c) At least twenty-four (24) hours prior to the abortion, a copy of the printed
4 materials has been provided to the pregnant woman if she chooses to view
5 these materials;
- 6 (d) **If it has been determined that the unborn human individual the pregnant**
7 **woman is carrying has a detectable fetal heartbeat, the person who is to**
8 **perform or induce the abortion has complied with the informed consent**
9 **requirements in Section 6 of this Act in addition to complying with the**
10 **informed consent requirements in paragraphs (a), (b), (c), (e), and (f) of this**
11 **subsection. As used in this paragraph, "unborn human individual" and**
12 **"fetal heartbeat" have the same meaning as in Section 1 of this Act;**
- 13 (e) The pregnant woman certifies in writing, prior to the performance or
14 inducement of the abortion:
- 15 1. That she has received the information required to be provided under
16 paragraphs (a), (b), ~~and (c)~~, **and (d)** of this subsection; and
- 17 2. That she consents to the particular abortion voluntarily and knowingly,
18 and she is not under the influence of any drug of abuse or alcohol; and
- 19 ~~(f)(e)~~ Prior to the performance or inducement of the abortion, the physician
20 who is scheduled to perform or induce the abortion or the physician's agent
21 receives a copy of the pregnant woman's signed statement, on a form which
22 may be provided by the physician, on which she consents to the abortion and
23 that includes the certification required by paragraph ~~(e)(d)~~ of this subsection.
- 24 (2) By January 1, 1999, the cabinet shall cause to be published in English in a typeface
25 not less than 12 point type the following materials:
- 26 (a) Materials that inform the pregnant woman about public and private agencies
27 and services that are available to assist her through her pregnancy, upon

1 childbirth, and while her child is dependent, including, but not limited to,
2 adoption agencies. The materials shall include a comprehensive list of the
3 available agencies and a description of the services offered by the agencies
4 and the telephone numbers and addresses of the agencies, and inform the
5 pregnant woman about available medical assistance benefits for prenatal care,
6 childbirth, and neonatal care and about the support obligations of the father of
7 a child who is born alive. The cabinet shall ensure that the materials are
8 comprehensive and do not directly or indirectly promote, exclude, or
9 discourage the use of any agency or service described in this section; and

10 (b) Materials that inform the pregnant woman of the probable anatomical and
11 physiological characteristics of the zygote, blastocyte, embryo, or fetus at two
12 (2) week gestational increments for the first sixteen (16) weeks of her
13 pregnancy and at four (4) week gestational increments from the seventeenth
14 week of her pregnancy to full term, including any relevant information
15 regarding the time at which the fetus possibly would be viable. The materials
16 shall use language that is understandable by the average person who is not
17 medically trained, shall be objective and nonjudgmental, and shall include
18 only accurate scientific information about the zygote, blastocyte, embryo, or
19 fetus at the various gestational increments. The materials shall include, for
20 each of the two (2) of four (4) week increments specified in this paragraph, a
21 pictorial or photographic depiction of the zygote, blastocyte, embryo, or fetus.
22 The materials shall also include, in a conspicuous manner, a scale or other
23 explanation that is understandable by the average person and that can be used
24 to determine the actual size of the zygote, blastocyte, embryo, or fetus at a
25 particular gestational increment as contrasted with the depicted size of the
26 zygote, blastocyte, embryo, or fetus at that gestational increment.

27 (3) Upon submission of a request to the cabinet by any person, hospital, physician, or

1 medical facility for one (1) or more copies of the materials published in accordance
2 with subsection (2) of this section, the cabinet shall make the requested number of
3 copies of the materials available to the person, hospital, physician, or medical
4 facility that requested the copies.

5 (4) If a medical emergency or medical necessity compels the performance or
6 inducement of an abortion, the physician who will perform or induce the abortion,
7 prior to its performance or inducement if possible, shall inform the pregnant woman
8 of the medical indications supporting the physician's judgment that an immediate
9 abortion is necessary. Any physician who performs or induces an abortion without
10 the prior satisfaction of the conditions specified in subsection (1) of this section
11 because of a medical emergency or medical necessity shall enter the reasons for the
12 conclusion that a medical emergency exists in the medical record of the pregnant
13 woman.

14 (5) If the conditions specified in subsection (1) of this section are satisfied, consent to
15 an abortion shall be presumed to be valid and effective.

16 (6) The failure of a physician to satisfy the conditions of subsection (1) of this section
17 prior to performing or inducing an abortion upon a pregnant woman may be the
18 basis of disciplinary action pursuant to KRS 311.595.

19 (7) The cabinet shall charge a fee for each copy of the materials distributed in
20 accordance with subsections (1) and (3) of this section. The fee shall be sufficient to
21 cover the cost of the administration of the materials published in accordance with
22 subsection (2) of this section, including the cost of preparation and distribution of
23 materials.

24 ➔Section 13. KRS 311.595 is amended to read as follows:

25 If the power has not been transferred by statute to some other board, commission, or
26 agency of this state, the board may deny an application or reregistration for a license;
27 place a licensee on probation for a period not to exceed five (5) years; suspend a license

- 1 for a period not to exceed five (5) years; limit or restrict a license for an indefinite period;
2 or revoke any license heretofore or hereafter issued by the board, upon proof that the
3 licensee has:
- 4 (1) Knowingly made or presented, or caused to be made or presented, any false,
5 fraudulent, or forged statement, writing, certificate, diploma, or other thing, in
6 connection with an application for a license or permit;
 - 7 (2) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion,
8 or conspiracy in connection with an examination for a license;
 - 9 (3) Committed, procured, or aided in the procurement of an unlawful abortion,
10 including a partial-birth abortion;
 - 11 (4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or
12 without the Commonwealth of Kentucky of a crime as defined in KRS 335B.010, if
13 in accordance with KRS Chapter 335B;
 - 14 (5) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a
15 patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or
16 been found by the board to have had sexual contact as defined in KRS 510.010(7)
17 with a patient while the patient was under the care of the physician;
 - 18 (6) Become addicted to a controlled substance;
 - 19 (7) Become a chronic or persistent alcoholic;
 - 20 (8) Been unable or is unable to practice medicine according to acceptable and
21 prevailing standards of care by reason of mental or physical illness or other
22 condition including but not limited to physical deterioration that adversely affects
23 cognitive, motor, or perceptive skills, or by reason of an extended absence from the
24 active practice of medicine;
 - 25 (9) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely
26 to deceive, defraud, or harm the public or any member thereof;
 - 27 (10) Knowingly made, or caused to be made, or aided or abetted in the making of, a false

- 1 statement in any document executed in connection with the practice of his
2 profession;
- 3 (11) Employed, as a practitioner of medicine or osteopathy in the practice of his
4 profession in this state, any person not duly licensed or otherwise aided, assisted, or
5 abetted the unlawful practice of medicine or osteopathy or any other healing art;
- 6 (12) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the
7 violation of, or conspired to violate any provision or term of any medical practice
8 act, including but not limited to the code of conduct promulgated by the board under
9 KRS 311.601 or any other valid regulation of the board;
- 10 (13) Violated any agreed order, letter of agreement, final order, or emergency order
11 issued by the board;
- 12 (14) Engaged in or attempted to engage in the practice of medicine or osteopathy under a
13 false or assumed name, or impersonated another practitioner of a like, similar, or
14 different name;
- 15 (15) Obtained a fee or other thing of value on the fraudulent representation that a
16 manifestly incurable condition could be cured;
- 17 (16) Willfully violated a confidential communication;
- 18 (17) Had his license to practice medicine or osteopathy in any other state, territory, or
19 foreign nation revoked, suspended, restricted, or limited or has been subjected to
20 other disciplinary action by the licensing authority thereof. This subsection shall not
21 require relitigation of the disciplinary action;
- 22 (18) Failed or refused, without legal justification, to practice medicine in a rural area of
23 this state in violation of a valid medical scholarship loan contract with the trustees
24 of the rural Kentucky medical scholarship fund;
- 25 (19) Given or received, directly or indirectly, from any person, firm, or corporation, any
26 fee, commission, rebate, or other form of compensation for sending, referring, or
27 otherwise inducing a person to communicate with a person licensed under KRS

1 311.530 to 311.620 in his professional capacity or for any professional services not
2 actually and personally rendered; provided, however, that nothing contained in this
3 subsection shall prohibit persons holding valid and current licenses under KRS
4 311.530 to 311.620 from practicing medicine in partnership or association or in a
5 professional service corporation authorized by KRS Chapter 274, as now or
6 hereinafter amended, or from pooling, sharing, dividing, or apportioning the fees
7 and moneys received by them or by the partnership, corporation, or association in
8 accordance with the partnership agreement or the policies of the board of directors
9 of the corporation or association. Nothing contained in this subsection shall
10 abrogate the right of two (2) or more persons holding valid and current licenses
11 under KRS 311.530 to 311.620 to receive adequate compensation for concurrently
12 rendering professional care to a single patient and divide a fee, if the patient has full
13 knowledge of this division and if the division is made in proportion to the services
14 performed and responsibility assumed by each;

15 (20) Been removed, suspended, expelled, or disciplined by any professional medical
16 association or society when the action was based upon what the association or
17 society found to be unprofessional conduct, professional incompetence, malpractice,
18 or a violation of any provision of KRS Chapter 311. This subsection shall not
19 require relitigation of the disciplinary action;

20 (21) Been disciplined by a licensed hospital or medical staff of the hospital, including
21 removal, suspension, limitation of hospital privileges, failing to renew privileges for
22 cause, resignation of privileges under pressure or investigation, or other disciplinary
23 action if the action was based upon what the hospital or medical staff found to be
24 unprofessional conduct, professional incompetence, malpractice, or a violation of
25 any provisions of KRS Chapter 311. This subsection shall not require relitigation of
26 the disciplinary action;~~{-or}~~

27 (22) Failed to comply with the requirements of KRS 213.101, 311.782, or 311.783 or

1 failed to submit to the Vital Statistics Branch in accordance with a court order a
2 complete report as described in KRS 213.101;

3 **(23) Failed to comply with any of the requirements regarding making or maintaining**
4 **medical records or documents described in Sections 4, 6, or 8 of this Act; or**

5 **(24) Failed to comply with the requirements of Sections 5 or 7 of this Act.**

6 ➔Section 14. KRS 311.990 (Effective until July 1, 2019) is amended to read as
7 follows:

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

1 interfering with the board or any of its members, or of any officer, agent, inspector,
2 or investigator of the board or the Cabinet for Health and Family Services, in the
3 administration of any of the provisions of KRS 311.550 to 311.620 shall be a Class
4 A misdemeanor.

5 (7) Each violation of subsection (1) of KRS 311.375 shall, for the first offense, be a
6 Class B misdemeanor, and, for each subsequent offense shall be a Class A
7 misdemeanor.

8 (8) Each violation of subsection (2) of KRS 311.375 shall, for the first offense, be a
9 violation, and, for each subsequent offense, be a Class B misdemeanor.

10 (9) Each day of violation of either subsection of KRS 311.375 shall constitute a
11 separate offense.

12 (10) (a) Any person who intentionally or knowingly performs an abortion contrary to
13 the requirements of KRS 311.723(1) shall be guilty of a Class D felony; and

14 (b) Any person who intentionally, knowingly, or recklessly violates the
15 requirements of KRS 311.723(2) shall be guilty of a Class A misdemeanor.

16 (11) (a) 1. Any physician who performs a partial-birth abortion in violation of KRS
17 311.765 shall be guilty of a Class D felony. However, a physician shall
18 not be guilty of the criminal offense if the partial-birth abortion was
19 necessary to save the life of the mother whose life was endangered by a
20 physical disorder, illness, or injury.

21 2. A physician may seek a hearing before the State Board of Medical
22 Licensure on whether the physician's conduct was necessary to save the
23 life of the mother whose life was endangered by a physical disorder,
24 illness, or injury. The board's findings, decided by majority vote of a
25 quorum, shall be admissible at the trial of the physician. The board shall
26 promulgate administrative regulations to carry out the provisions of this
27 subparagraph.

- 1 3. Upon a motion of the physician, the court shall delay the beginning of
2 the trial for not more than thirty (30) days to permit the hearing, referred
3 to in subparagraph 2. of this paragraph, to occur.
- 4 (b) Any person other than a physician who performs a partial-birth abortion shall
5 not be prosecuted under this subsection but shall be prosecuted under
6 provisions of law which prohibit any person other than a physician from
7 performing any abortion.
- 8 (c) No penalty shall be assessed against the woman upon whom the partial-birth
9 abortion is performed or attempted to be performed.
- 10 (12) Any person who intentionally performs an abortion with knowledge that, or with
11 reckless disregard as to whether, the person upon whom the abortion is to be
12 performed is an unemancipated minor, and who intentionally or knowingly fails to
13 conform to any requirement of KRS 311.732 is guilty of a Class A misdemeanor.
- 14 (13) Any person who negligently releases information or documents which are
15 confidential under KRS 311.732 is guilty of a Class B misdemeanor.
- 16 (14) Any person who performs an abortion upon a married woman either with
17 knowledge or in reckless disregard of whether KRS 311.735 applies to her and who
18 intentionally, knowingly, or recklessly fails to conform to the requirements of KRS
19 311.735 shall be guilty of a Class D felony.
- 20 (15) Any person convicted of violating KRS 311.750 shall be guilty of a Class B felony.
- 21 (16) Any person who violates KRS 311.760(2) shall be guilty of a Class D felony.
- 22 (17) Any person who violates KRS 311.770 shall be guilty of a Class D felony.
- 23 (18) Except as provided in KRS 311.787(3), any person who intentionally violates KRS
24 311.787 shall be guilty of a Class D felony.
- 25 (19) A person convicted of violating KRS 311.780 shall be guilty of a Class C felony.
- 26 (20) Except as provided in KRS 311.782(6), any person who intentionally violates KRS
27 311.782 shall be guilty of a Class D felony.

- 1 (21) Any person who violates KRS 311.783(1) shall be guilty of a Class B misdemeanor.
- 2 (22) *Any person who violates subsection (1) of Section 5 of this Act is guilty of a Class*
- 3 *D felony.*
- 4 (23) *Any person who violates subsection (1) of Section 6 of this Act is guilty of a Class*
- 5 *D felony.*
- 6 (24) *Any person who violates subsection (1) of Section 7 of this Act is guilty of a Class*
- 7 *D felony.*
- 8 (25) Any person who violates KRS 311.810 shall be guilty of a Class A misdemeanor.
- 9 (26)~~(23)~~ Any professional medical association or society, licensed physician, or
- 10 hospital or hospital medical staff who shall have violated the provisions of KRS
- 11 311.606 shall be guilty of a Class B misdemeanor.
- 12 (27)~~(24)~~ Any administrator, officer, or employee of a publicly owned hospital or
- 13 publicly owned health care facility who performs or permits the performance of
- 14 abortions in violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.
- 15 (28)~~(25)~~ Any person who violates KRS 311.905(3) shall be guilty of a violation.
- 16 (29)~~(26)~~ Any person who violates the provisions of KRS 311.820 shall be guilty of a
- 17 Class A misdemeanor.
- 18 (30)~~(27)~~ (a) Any person who fails to test organs, skin, or other human tissue which is
- 19 to be transplanted, or violates the confidentiality provisions required by KRS
- 20 311.281, shall be guilty of a Class A misdemeanor.
- 21 (b) Any person who has human immunodeficiency virus infection, who knows he
- 22 is infected with human immunodeficiency virus, and who has been informed
- 23 that he may communicate the infection by donating organs, skin, or other
- 24 human tissue who donates organs, skin, or other human tissue shall be guilty
- 25 of a Class D felony.
- 26 (31)~~(28)~~ Any person who sells or makes a charge for any transplantable organ shall be
- 27 guilty of a Class D felony.

1 ~~(32)~~~~(29)~~ Any person who offers remuneration for any transplantable organ for use in
2 transplantation into himself shall be fined not less than five thousand dollars
3 (\$5,000) nor more than fifty thousand dollars (\$50,000).

4 ~~(33)~~~~(30)~~ Any person brokering the sale or transfer of any transplantable organ shall be
5 guilty of a Class C felony.

6 ~~(34)~~~~(31)~~ Any person charging a fee associated with the transplantation of a
7 transplantable organ in excess of the direct and indirect costs of procuring,
8 distributing, or transplanting the transplantable organ shall be fined not less than
9 fifty thousand dollars (\$50,000) nor more than five hundred thousand dollars
10 (\$500,000).

11 ~~(35)~~~~(32)~~ Any hospital performing transplantable organ transplants which knowingly
12 fails to report the possible sale, purchase, or brokering of a transplantable organ
13 shall be fined not less than ten thousand dollars (\$10,000) or more than fifty
14 thousand dollars (\$50,000).

15 ~~(36)~~~~(33)~~ (a) Any physician or qualified technician who violates KRS 311.727 shall
16 be fined not more than one hundred thousand dollars (\$100,000) for a first
17 offense and not more than two hundred fifty thousand dollars (\$250,000) for
18 each subsequent offense.

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

22 ~~(37)~~~~(34)~~ Any person who violates KRS 311.691 shall be guilty of a Class B
23 misdemeanor for the first offense, and a Class A misdemeanor for a second or
24 subsequent offense. In addition to any other penalty imposed for that violation, the
25 board may, through the Attorney General, petition a Circuit Court to enjoin the
26 person who is violating KRS 311.691 from practicing genetic counseling in
27 violation of the requirements of KRS 311.690 to 311.700.

1 ➔Section 15. KRS 311.990 (Effective July 1, 2019) is amended to read as
2 follows:

- 3 (1) Any person who violates KRS 311.250 shall be guilty of a violation.
- 4 (2) Any college or professor thereof violating the provisions of KRS 311.300 to
5 311.350 shall be civilly liable on his bond for a sum not less than one hundred
6 dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation,
7 which may be recovered by an action in the name of the Commonwealth.
- 8 (3) Any person who presents to the county clerk for the purpose of registration any
9 license which has been fraudulently obtained, or obtains any license under KRS
10 311.380 to 311.510 by false or fraudulent statement or representation, or practices
11 podiatry under a false or assumed name or falsely impersonates another practitioner
12 or former practitioner of a like or different name, or aids and abets any person in the
13 practice of podiatry within the state without conforming to the requirements of KRS
14 311.380 to 311.510, or otherwise violates or neglects to comply with any of the
15 provisions of KRS 311.380 to 311.510, shall be guilty of a Class A misdemeanor.
16 Each case of practicing podiatry in violation of the provisions of KRS 311.380 to
17 311.510 shall be considered a separate offense.
- 18 (4) Each violation of KRS 311.560 shall constitute a Class D felony.
- 19 (5) Each violation of KRS 311.590 shall constitute a Class D felony. Conviction under
20 this subsection of a holder of a license or permit shall result automatically in
21 permanent revocation of such license or permit.
- 22 (6) Conviction of willfully resisting, preventing, impeding, obstructing, threatening, or
23 interfering with the board or any of its members, or of any officer, agent, inspector,
24 or investigator of the board or the Cabinet for Health and Family Services, in the
25 administration of any of the provisions of KRS 311.550 to 311.620 shall be a Class
26 A misdemeanor.
- 27 (7) Each violation of subsection (1) of KRS 311.375 shall, for the first offense, be a

1 Class B misdemeanor, and, for each subsequent offense shall be a Class A
2 misdemeanor.

3 (8) Each violation of subsection (2) of KRS 311.375 shall, for the first offense, be a
4 violation, and, for each subsequent offense, be a Class B misdemeanor.

5 (9) Each day of violation of either subsection of KRS 311.375 shall constitute a
6 separate offense.

7 (10) (a) Any person who intentionally or knowingly performs an abortion contrary to
8 the requirements of KRS 311.723(1) shall be guilty of a Class D felony; and

9 (b) Any person who intentionally, knowingly, or recklessly violates the
10 requirements of KRS 311.723(2) shall be guilty of a Class A misdemeanor.

11 (11) (a) 1. Any physician who performs a partial-birth abortion in violation of KRS
12 311.765 shall be guilty of a Class D felony. However, a physician shall
13 not be guilty of the criminal offense if the partial-birth abortion was
14 necessary to save the life of the mother whose life was endangered by a
15 physical disorder, illness, or injury.

16 2. A physician may seek a hearing before the State Board of Medical
17 Licensure on whether the physician's conduct was necessary to save the
18 life of the mother whose life was endangered by a physical disorder,
19 illness, or injury. The board's findings, decided by majority vote of a
20 quorum, shall be admissible at the trial of the physician. The board shall
21 promulgate administrative regulations to carry out the provisions of this
22 subparagraph.

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

26 (b) Any person other than a physician who performs a partial-birth abortion shall
27 not be prosecuted under this subsection but shall be prosecuted under

1 provisions of law which prohibit any person other than a physician from
2 performing any abortion.

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

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

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

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

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

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

17 (17) Any person who violates KRS 311.770 shall be guilty of a Class D felony.

18 (18) Except as provided in KRS 311.787(3), any person who intentionally violates KRS
19 311.787 shall be guilty of a Class D felony.

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

21 (20) Except as provided in KRS 311.782(6), any person who intentionally violates KRS
22 311.782 shall be guilty of a Class D felony.

23 (21) Any person who violates KRS 311.783(1) shall be guilty of a Class B misdemeanor.

24 (22) **Any person who violates subsection (1) of Section 5 of this Act is guilty of a Class**
25 **D felony.**

26 (23) **Any person who violates subsection (1) of Section 6 of this Act is guilty of a Class**
27 **D felony.**

1 **(24) Any person who violates subsection (1) of Section 7 of this Act is guilty of a Class**
2 **D felony.**

3 **(25)** Any person who violates KRS 311.810 shall be guilty of a Class A misdemeanor.

4 ~~**(26)**~~~~**(23)**~~ Any professional medical association or society, licensed physician, or
5 hospital or hospital medical staff who shall have violated the provisions of KRS
6 311.606 shall be guilty of a Class B misdemeanor.

7 ~~**(27)**~~~~**(24)**~~ Any administrator, officer, or employee of a publicly owned hospital or
8 publicly owned health care facility who performs or permits the performance of
9 abortions in violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.

10 ~~**(28)**~~~~**(25)**~~ Any person who violates KRS 311.905(3) shall be guilty of a violation.

11 ~~**(29)**~~~~**(26)**~~ Any person who violates the provisions of KRS 311.820 shall be guilty of a
12 Class A misdemeanor.

13 ~~**(30)**~~~~**(27)**~~ (a) Any person who fails to test organs, skin, or other human tissue which is
14 to be transplanted, or violates the confidentiality provisions required by KRS
15 311.281, shall be guilty of a Class A misdemeanor.

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

21 ~~**(31)**~~~~**(28)**~~ Any person who sells or makes a charge for any transplantable organ shall be
22 guilty of a Class D felony.

23 ~~**(32)**~~~~**(29)**~~ Any person who offers remuneration for any transplantable organ for use in
24 transplantation into himself shall be fined not less than five thousand dollars
25 (\$5,000) nor more than fifty thousand dollars (\$50,000).

26 ~~**(33)**~~~~**(30)**~~ Any person brokering the sale or transfer of any transplantable organ shall be
27 guilty of a Class C felony.

1 ~~(34)~~~~(31)~~ Any person charging a fee associated with the transplantation of a
2 transplantable organ in excess of the direct and indirect costs of procuring,
3 distributing, or transplanting the transplantable organ shall be fined not less than
4 fifty thousand dollars (\$50,000) nor more than five hundred thousand dollars
5 (\$500,000).

6 ~~(35)~~~~(32)~~ Any hospital performing transplantable organ transplants which knowingly
7 fails to report the possible sale, purchase, or brokering of a transplantable organ
8 shall be fined not less than ten thousand dollars (\$10,000) or more than fifty
9 thousand dollars (\$50,000).

10 ~~(36)~~~~(33)~~ (a) Any physician or qualified technician who violates KRS 311.727 shall
11 be fined not more than one hundred thousand dollars (\$100,000) for a first
12 offense and not more than two hundred fifty thousand dollars (\$250,000) for
13 each subsequent offense.

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

17 ~~(37)~~~~(34)~~ Any person who violates KRS 311.691 shall be guilty of a Class B
18 misdemeanor for the first offense, and a Class A misdemeanor for a second or
19 subsequent offense. In addition to any other penalty imposed for that violation, the
20 board may, through the Attorney General, petition a Circuit Court to enjoin the
21 person who is violating KRS 311.691 from practicing genetic counseling in
22 violation of the requirements of KRS 311.690 to 311.700.

23 ~~(38)~~~~(35)~~ Any person convicted of violating KRS 311.728 shall be guilty of a Class D
24 felony.

25 ➔Section 16. KRS 213.101 is amended to read as follows:

26 (1) (a) Each induced termination of pregnancy which occurs in the Commonwealth,
27 regardless of the length of gestation, shall be reported to the Vital Statistics

1 Branch by the person in charge of the institution within fifteen (15) days after
2 the end of the month in which the termination occurred. If the induced
3 termination of pregnancy was performed outside an institution, the attending
4 physician shall prepare and file the report within fifteen (15) days after the end
5 of the month in which the termination occurred.

6 **(b)** The report shall include all the information the physician is required to certify
7 **or provide** in writing or determine under KRS 311.782, ~~and~~ 311.783,
8 **Sections 4, 5, 6, 7, and 8 of this Act**, but shall not include information which
9 will identify the physician, woman, or man involved.

10 **(c) If a person other than the physician described in this subsection makes or**
11 **maintains a record required by Sections 4, 5, 6, 7, or 8 of this Act on the**
12 **physician's behalf or at the physician's direction, that person shall comply**
13 **with the reporting requirement described in this subsection as if the person**
14 **were the physician.**

15 (2) The name of the person completing the report and the reporting institution shall not
16 be subject to disclosure under KRS 61.870 to 61.884.

17 (3) By September 30 of each year, the Vital Statistics Branch shall issue a public report
18 that provides statistics for the previous calendar year compiled from all of the
19 reports covering that calendar year submitted to the cabinet in accordance with this
20 section for each of the items listed in subsection (1) of this section. Each annual
21 report shall also provide statistics for all previous calendar years in which this
22 section was in effect, adjusted to reflect any additional information from late or
23 corrected reports. The Vital Statistics Branch shall ensure that none of the
24 information included in the report could reasonably lead to the identification of any
25 pregnant woman upon whom an abortion was performed or attempted.

26 (4) (a) Any person or institution who fails to submit a report by the end of thirty (30)
27 days following the due date set in subsection (1) of this section shall be

1 subject to a late fee of five hundred dollars (\$500) for each additional thirty
2 (30) day period or portion of a thirty (30) day period the report is overdue.

3 (b) Any person or institution who fails to submit a report, or who has submitted
4 only an incomplete report, more than one (1) year following the due date set in
5 subsection (1) of this section, may in a civil action brought by the Vital
6 Statistics Branch be directed by a court of competent jurisdiction to submit a
7 complete report within a time period stated by court order or be subject to
8 contempt of court.

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

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

14 (6) ~~Within ninety (90) days of January 9, 2017,~~ The Vital Statistics Branch shall
15 promulgate administrative regulations in accordance with KRS Chapter 13A to
16 assist in compliance with this section.

17 ➔Section 17. The restrictions of KRS 6.945(1) shall not apply to Sections 1 to 16
18 of this Act.

19 ➔Section 18. If any provision of this Act or the application thereof to any person
20 or circumstance is held invalid, the invalidity shall not affect other provisions or
21 applications of the Act that can be given effect without the invalid provision or
22 application, and to this end the provisions of the Act are severable.

23 ➔Section 19. Whereas the Commonwealth of Kentucky has legitimate interests
24 from the outset of the pregnancy in protecting the health of the woman and the life of an
25 unborn human individual who may be born, an emergency is declared to exist, and this
26 Act takes effect upon its passage and approval by the Governor or upon its otherwise
27 becoming law.