

1 AN ACT relating to the performance of an abortion upon a minor and declaring an
2 emergency.

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

4 ➔Section 1. KRS 311.732 is amended to read as follows:

- 5 (1) For purposes of this section the following definitions shall apply:
- 6 (a) "Minor" means any person under the age of eighteen (18);
- 7 (b) "Emancipated minor" means any minor who is or has been married or has by
8 court order or otherwise been freed from the care, custody, and control of her
9 parents; and
- 10 (c) "Abortion" means the use of any instrument, medicine, drug, or any other
11 substance or device with intent to terminate the pregnancy of a woman known
12 to be pregnant with intent other than to increase the probability of a live birth,
13 to preserve the life or health of the child after live birth, or to remove a dead
14 fetus.
- 15 (2) No person shall perform an abortion upon a minor unless:
- 16 (a) **I.** The attending physician~~[or his agent]~~ secured the informed written
17 consent of the minor and one (1) parent or legal guardian. **The informed**
18 **written consent shall include:[:]**
- 19 **a. A copy of the parent's or legal guardian's government-issued**
20 **identification; and**
- 21 **b. The parent's or legal guardian's certification that he or she**
22 **consents to the abortion. The certification shall be in a signed,**
23 **dated, and notarized document that has been initialed on each**
24 **page and that contains the following statement, which shall**
25 **precede the signature of the parent or legal guardian: "I, (insert**
26 **name of parent or legal guardian), am the (select "parent" or**
27 **"legal guardian,") of (insert name of minor) and give consent**

1 for (insert name of attending physician) to perform an abortion
2 on her. Under penalties of perjury, I declare that I have read the
3 foregoing statement and that the facts stated in it are true."

4 2. The attending physician shall keep a copy of the informed written
5 consent in the medical file of the minor for five (5) years after the
6 minor reaches eighteen (18) years of age or for seven (7) years,
7 whichever is longer.

8 3. The attending physician securing the informed written consent from a
9 parent or legal guardian under this paragraph shall execute for
10 inclusion in the medical record of the minor an affidavit stating: "I,
11 (insert name of attending physician), certify that, according to my best
12 information and belief, a reasonable person under similar
13 circumstances would rely on the information presented by both the
14 minor and her parent or legal guardian as sufficient evidence of
15 identity.";

16 (b) The minor is emancipated and the attending physician~~[or his agent]~~ has
17 received the informed written consent of the minor; or

18 (c) The minor elects to petition any Circuit or District Court of the
19 Commonwealth pursuant to subsection (3) of this section and obtain an order
20 pursuant to subsection (4) of this section granting consent to the abortion and
21 the attending physician~~[or his agent]~~ has received the informed written
22 consent of the minor.

23 (3) Every minor shall have the right to petition any Circuit or District Court of the
24 Commonwealth for an order granting the right to self-consent to an abortion
25 pursuant to the following procedures:

26 (a) The minor or her next friend may prepare and file a petition setting forth the
27 request of the minor for an order of consent to an abortion;

- 1 (b) The court shall insure that the minor prepares or her next friend is given
 2 assistance in preparing and filing the petition and shall insure that the minor's
 3 identity is kept anonymous;
- 4 (c) The minor may participate in proceedings in the court on her own behalf or
 5 through her next friend and the court shall appoint a guardian ad litem for her.
 6 The court shall advise her that she has a right to court-appointed counsel and
 7 shall provide her with such counsel upon her request;
- 8 (d) All proceedings under this section shall be anonymous and shall be given
 9 preference over other matters to insure that the court may reach a decision
 10 promptly, but in no case shall the court fail to rule within seventy-two (72)
 11 hours of the time of application, provided that the seventy-two (72) hour
 12 limitation may be extended at the request of the minor; and
- 13 (e) The court shall hold a hearing on the merits of the petition before reaching a
 14 decision. The court shall hear evidence at the hearing relating to:

15 **1. The minor's:**

16 **a. Age;**

17 **b. [The]Emotional development *and stability*;**

18 **c. Maturity;**

19 **d. Intellect[, and understanding of the minor];**

20 **e. Credibility and demeanor as a witness;**

21 **f. Ability to accept responsibility;**

22 **g. Ability to assess both the immediate and long-range**~~[the nature,~~
 23 ~~possible]~~ **consequences of, and alternatives to, the abortion; and**

24 **h. Ability to understand and explain the medical risks of the**
 25 **abortion and to apply that understanding to her decision; and**

26 **2. Whether there may be any undue influence by another on the minor's**
 27 **decision to have an abortion**~~[any other evidence that the court may find~~

1 ~~useful in determining whether the minor should be granted majority~~
 2 ~~rights for the purpose of consenting to the abortion or whether the~~
 3 ~~abortion is in the best interest of the minor].~~

4 (4) **(a) If the court finds by:**

5 **1. Clear and convincing evidence that the minor is sufficiently mature to**
 6 **decide whether to have an abortion; and**

7 **2. a. Clear and convincing evidence that the requirements of this**
 8 **section are not in the best interest of the minor; or**

9 **b. A preponderance of the evidence that the minor is the victim of**
 10 **child abuse or sexual abuse inflicted by one (1) or both of her**
 11 **parents or her legal guardian;**

12 the court shall enter a written order, making specific factual findings and legal
 13 conclusions supporting its decision, **granting the petition for an abortion.** ~~as~~
 14 ~~follows:]~~

15 **(b) If the court does not make the findings specified in paragraph (a) of this**
 16 **subsection, the court shall deny the petition** ~~(a) Granting the petition for an~~

17 ~~abortion if the court finds that the minor is mature and well informed enough~~
 18 ~~to make the abortion decision on her own;~~

19 ~~(b) Granting consent to the abortion if the court finds that the performance of the~~
 20 ~~abortion would be in the minor's best interest; or~~

21 ~~(c) Deny the petition, if the court finds that the minor is immature and that~~
 22 ~~performance of the abortion would not be in the minor's best interest].~~

23 **(c) As used in this subsection, "best interest of the minor" shall not include**
 24 **financial best interest, financial considerations, or the potential financial**
 25 **impact on the minor or the minor's family if the minor does not have an**
 26 **abortion.**

27 (5) Any minor shall have the right of anonymous and expedited appeal to the Court of

1 Appeals, and that court shall give precedence over other pending matters.

2 (6) All hearings under this section, including appeals, shall remain confidential and
3 closed to the public. The hearings shall be held in chambers or in a similarly
4 private and informal setting within the courthouse.

5 (7) No fees shall be required of any minor who declares she has no sufficient funds to
6 pursue the procedures provided by this section.

7 (8)~~(7)~~ (a) The Supreme Court is respectfully requested to promulgate any rules and
8 regulations it feels are necessary to ensure that proceedings under this section
9 are handled in an expeditious and anonymous manner.

10 (b) The Supreme Court, through the Administrative Office of the Courts, shall
11 report by February 1 of each year to the Legislative Research Commission
12 on the number of petitions filed under subsection (3) of this section for the
13 preceding year, and the timing and manner of disposal of the petition by
14 each court. For each petition resulting in a waiver of the requirements of
15 this section, the reason for the waiver shall be included in the report.

16 (9) (a)~~(8)~~ The requirements of subsections (2), (3), and (4) of this section shall not
17 apply when, in the best medical judgment of the physician based on the facts
18 of the case before him, a medical emergency exists that so complicates the
19 pregnancy as to require an immediate abortion.

20 (b) If a medical emergency exists, the physician shall make reasonable
21 attempts, whenever possible, and without endangering the minor, to contact
22 the parent or legal guardian of the minor, and may proceed, but must
23 document reasons for the medical necessity in the minor's medical records.

24 (c) The physician shall inform the parent or legal guardian, in person or by
25 telephone, within twenty-four (24) hours of the abortion, including details
26 of the medical emergency that necessitated the abortion without the parent's
27 or legal guardian's consent. The physician shall also provide this

1 information in writing to the parent or legal guardian at his or her last
 2 known address by first-class mail or by certified mail, return receipt
 3 requested, with delivery restricted to the parent or legal guardian~~[A~~
 4 ~~physician who does not comply with subsection (2), (3), or (4) of this section~~
 5 ~~due to the utilization of this exception shall certify in writing the medical~~
 6 ~~indications upon which his judgment was based].~~

7 ~~(10)~~~~(9)~~ A report indicating the basis for any medical judgment that warrants failure to
 8 obtain consent pursuant to this section shall be filed with the Cabinet for Health and
 9 Family Services on a form supplied by the cabinet. This report shall be confidential.

10 ~~(11)~~~~(10)~~ Failure to obtain consent pursuant to the requirements of this section is prima
 11 facie evidence of failure to obtain informed consent and of interference with family
 12 relations in appropriate civil actions. The law of this state shall not be construed to
 13 preclude the award of exemplary damages in any appropriate civil action relevant to
 14 violations of this section. Nothing in this section shall be construed to limit the
 15 common-law rights of parents.

16 (12) A minor upon whom an abortion is performed is not guilty of violating
 17 subsection (2) of this section.

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

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

25 (1) Knowingly made or presented, or caused to be made or presented, any false,
 26 fraudulent, or forged statement, writing, certificate, diploma, or other thing, in
 27 connection with an application for a license or permit;

- 1 (2) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion,
2 or conspiracy in connection with an examination for a license;
- 3 (3) Committed, procured, or aided in the procurement of an unlawful abortion,
4 including a partial-birth abortion or an abortion in violation of KRS 311.731;
- 5 (4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or
6 without the Commonwealth of Kentucky of a crime as defined in KRS 335B.010, if
7 in accordance with KRS Chapter 335B;
- 8 (5) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a
9 patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or
10 been found by the board to have had sexual contact as defined in KRS 510.010(7)
11 with a patient while the patient was under the care of the physician;
- 12 (6) Become addicted to a controlled substance;
- 13 (7) Become a chronic or persistent alcoholic;
- 14 (8) Been unable or is unable to practice medicine according to acceptable and
15 prevailing standards of care by reason of mental or physical illness or other
16 condition including but not limited to physical deterioration that adversely affects
17 cognitive, motor, or perceptive skills, or by reason of an extended absence from the
18 active practice of medicine;
- 19 (9) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely
20 to deceive, defraud, or harm the public or any member thereof;
- 21 (10) Knowingly made, or caused to be made, or aided or abetted in the making of, a false
22 statement in any document executed in connection with the practice of his
23 profession;
- 24 (11) Employed, as a practitioner of medicine or osteopathy in the practice of his
25 profession in this state, any person not duly licensed or otherwise aided, assisted, or
26 abetted the unlawful practice of medicine or osteopathy or any other healing art;
- 27 (12) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the

- 1 violation of, or conspired to violate any provision or term of any medical practice
2 act, including but not limited to the code of conduct promulgated by the board under
3 KRS 311.601 or any other valid regulation of the board;
- 4 (13) Violated any agreed order, letter of agreement, final order, or emergency order
5 issued by the board;
- 6 (14) Engaged in or attempted to engage in the practice of medicine or osteopathy under a
7 false or assumed name, or impersonated another practitioner of a like, similar, or
8 different name;
- 9 (15) Obtained a fee or other thing of value on the fraudulent representation that a
10 manifestly incurable condition could be cured;
- 11 (16) Willfully violated a confidential communication;
- 12 (17) Had his license to practice medicine or osteopathy in any other state, territory, or
13 foreign nation revoked, suspended, restricted, or limited or has been subjected to
14 other disciplinary action by the licensing authority thereof. This subsection shall not
15 require relitigation of the disciplinary action;
- 16 (18) Failed or refused, without legal justification, to practice medicine in a rural area of
17 this state in violation of a valid medical scholarship loan contract with the trustees
18 of the rural Kentucky medical scholarship fund;
- 19 (19) Given or received, directly or indirectly, from any person, firm, or corporation, any
20 fee, commission, rebate, or other form of compensation for sending, referring, or
21 otherwise inducing a person to communicate with a person licensed under KRS
22 311.530 to 311.620 in his professional capacity or for any professional services not
23 actually and personally rendered; provided, however, that nothing contained in this
24 subsection shall prohibit persons holding valid and current licenses under KRS
25 311.530 to 311.620 from practicing medicine in partnership or association or in a
26 professional service corporation authorized by KRS Chapter 274, as now or
27 hereinafter amended, or from pooling, sharing, dividing, or apportioning the fees

- 1 and moneys received by them or by the partnership, corporation, or association in
2 accordance with the partnership agreement or the policies of the board of directors
3 of the corporation or association. Nothing contained in this subsection shall
4 abrogate the right of two (2) or more persons holding valid and current licenses
5 under KRS 311.530 to 311.620 to receive adequate compensation for concurrently
6 rendering professional care to a single patient and divide a fee, if the patient has full
7 knowledge of this division and if the division is made in proportion to the services
8 performed and responsibility assumed by each;
- 9 (20) Been removed, suspended, expelled, or disciplined by any professional medical
10 association or society when the action was based upon what the association or
11 society found to be unprofessional conduct, professional incompetence, malpractice,
12 or a violation of any provision of KRS Chapter 311. This subsection shall not
13 require relitigation of the disciplinary action;
- 14 (21) Been disciplined by a licensed hospital or medical staff of the hospital, including
15 removal, suspension, limitation of hospital privileges, failing to renew privileges for
16 cause, resignation of privileges under pressure or investigation, or other disciplinary
17 action if the action was based upon what the hospital or medical staff found to be
18 unprofessional conduct, professional incompetence, malpractice, or a violation of
19 any provisions of KRS Chapter 311. This subsection shall not require relitigation of
20 the disciplinary action;
- 21 (22) Failed to comply with the requirements of KRS 213.101, 311.782, or 311.783 or
22 failed to submit to the Vital Statistics Branch in accordance with a court order a
23 complete report as described in KRS 213.101;
- 24 (23) Failed to comply with any of the requirements regarding making or maintaining
25 medical records or documents described in KRS 311.7704 or 311.7707;
- 26 (24) Failed to comply with the requirements of KRS 311.7705 or 311.7706;~~or~~
- 27 (25) Been convicted of female genital mutilation under KRS 508.125, which shall result

1 in mandatory revocation of a license; or

2 **(26) Failed to comply with the requirements of Section 1 of this Act.**

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

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

- 1 (7) Each violation of KRS 311.375(1) shall, for the first offense, be a Class B
2 misdemeanor, and, for each subsequent offense shall be a Class A misdemeanor.
- 3 (8) Each violation of KRS 311.375(2) shall, for the first offense, be a violation, and, for
4 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) (a) Except as provided in subsection (12) of Section 1 of this Act, any person
6 who intentionally or recklessly performs an abortion upon a minor without
7 obtaining the required consent pursuant to Section 1 of this Act shall be
8 guilty of a Class D felony.

9 (b) Except as provided in paragraph (a) of this subsection, any person who~~f~~
10 intentionally performs an abortion with knowledge that, or with reckless
11 disregard as to whether, the person upon whom the abortion is to be
12 performed is an unemancipated minor, and who~~f~~ intentionally or knowingly
13 fails to conform to any requirement of KRS 311.732 is guilty of a Class A
14 misdemeanor.

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

17 ~~(13)(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 ~~(14)(15)~~ Any person convicted of violating KRS 311.750 shall be guilty of a Class B
22 felony.

23 ~~(15)(16)~~ Any person who violates KRS 311.760(2) shall be guilty of a Class D felony.

24 ~~(16)(17)~~ Any person who violates KRS 311.770 shall be guilty of a Class D felony.

25 ~~(17)(18)~~ Except as provided in KRS 311.787(3), any person who intentionally violates
26 KRS 311.787 shall be guilty of a Class D felony.

27 ~~(18)(19)~~ A person convicted of violating KRS 311.780 shall be guilty of a Class C

1 felony.

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

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

6 ~~(21)~~~~(22)~~ Any person who violates KRS 311.7705(1) is guilty of a Class D felony.

7 ~~(22)~~~~(23)~~ Any person who violates KRS 311.7706(1) is guilty of a Class D felony.

8 ~~(23)~~~~(24)~~ Except as provided in KRS 311.731(7), any person who violates KRS
9 311.731(2) shall be guilty of a Class D felony.

10 ~~(24)~~~~(25)~~ Any person who violates KRS 311.810 shall be guilty of a Class A
11 misdemeanor.

12 ~~(25)~~~~(26)~~ Any professional medical association or society, licensed physician, or
13 hospital or hospital medical staff who shall have violated the provisions of KRS
14 311.606 shall be guilty of a Class B misdemeanor.

15 ~~(26)~~~~(27)~~ Any administrator, officer, or employee of a publicly owned hospital or
16 publicly owned health care facility who performs or permits the performance of
17 abortions in violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.

18 ~~(27)~~~~(28)~~ Any person who violates KRS 311.905(3) shall be guilty of a violation.

19 ~~(28)~~~~(29)~~ Any person who violates the provisions of KRS 311.820 shall be guilty of a
20 Class A misdemeanor.

21 ~~(29)~~~~(30)~~ (a) Any person who fails to test organs, skin, or other human tissue which is
22 to be transplanted, or violates the confidentiality provisions required by KRS
23 311.281, shall be guilty of a Class A misdemeanor.

24 (b) Any person who has human immunodeficiency virus infection, who knows he
25 is infected with human immunodeficiency virus, and who has been informed
26 that he may communicate the infection by donating organs, skin, or other
27 human tissue who donates organs, skin, or other human tissue shall be guilty

1 of a Class D felony.

2 ~~(30)~~~~(31)~~ Any person who sells or makes a charge for any transplantable organ shall be
3 guilty of a Class D felony.

4 ~~(31)~~~~(32)~~ Any person who offers remuneration for any transplantable organ for use in
5 transplantation into himself shall be fined not less than five thousand dollars
6 (\$5,000) nor more than fifty thousand dollars (\$50,000).

7 ~~(32)~~~~(33)~~ Any person brokering the sale or transfer of any transplantable organ shall be
8 guilty of a Class C felony.

9 ~~(33)~~~~(34)~~ Any person charging a fee associated with the transplantation of a
10 transplantable organ in excess of the direct and indirect costs of procuring,
11 distributing, or transplanting the transplantable organ shall be fined not less than
12 fifty thousand dollars (\$50,000) nor more than five hundred thousand dollars
13 (\$500,000).

14 ~~(34)~~~~(35)~~ Any hospital performing transplantable organ transplants which knowingly
15 fails to report the possible sale, purchase, or brokering of a transplantable organ
16 shall be fined not less than ten thousand dollars (\$10,000) or more than fifty
17 thousand dollars (\$50,000).

18 ~~(35)~~~~(36)~~ (a) Any physician or qualified technician who violates KRS 311.727 shall
19 be fined not more than one hundred thousand dollars (\$100,000) for a first
20 offense and not more than two hundred fifty thousand dollars (\$250,000) for
21 each subsequent offense.

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

25 ~~(36)~~~~(37)~~ Any person who violates KRS 311.691 shall be guilty of a Class B
26 misdemeanor for the first offense, and a Class A misdemeanor for a second or
27 subsequent offense. In addition to any other penalty imposed for that violation, the

1 board may, through the Attorney General, petition a Circuit Court to enjoin the
2 person who is violating KRS 311.691 from practicing genetic counseling in
3 violation of the requirements of KRS 311.690 to 311.700.

4 ~~(37)~~~~(38)~~ Any person convicted of violating KRS 311.728 shall be guilty of a Class D
5 felony.

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

7 (1) (a) Each abortion as defined in KRS 213.011 which occurs in the
8 Commonwealth, regardless of the length of gestation, shall be reported to the
9 Vital Statistics Branch by the person in charge of the institution within fifteen
10 (15) days after the end of the month in which the abortion occurred. If the
11 abortion was performed outside an institution, the attending physician shall
12 prepare and file the report within fifteen (15) days after the end of the month
13 in which the abortion occurred.

14 (b) The report shall include all the information the physician is required to certify
15 in writing or determine under KRS 311.731, Section 1 of this Act, 311.7704,
16 311.7705, 311.7706, 311.7707, 311.774, 311.782, and 311.783, but shall not
17 include information which will identify the physician, woman, or man
18 involved.

19 (c) If a person other than the physician described in this subsection makes or
20 maintains a record required by Section 1 of this Act, KRS 311.7704,
21 311.7705, 311.7706, or 311.7707 on the physician's behalf or at the
22 physician's direction, that person shall comply with the reporting requirement
23 described in this subsection as if the person were the physician.

24 (2) Each prescription issued for RU-486, cytotec, pitocin, mifeprex, misoprostol, or any
25 other drug or combination of drugs for which the primary indication is the induction
26 of abortion as defined in KRS 213.011 shall be reported to the Vital Statistics
27 Branch within fifteen (15) days after the end of the month in which the prescription

1 was issued as required by KRS 311.774, but the report shall not include information
2 which will identify the woman involved or anyone who may be picking up the
3 prescription on behalf of the woman.

4 (3) The name of the person completing the report and the reporting institution shall not
5 be subject to disclosure under KRS 61.870 to 61.884.

6 (4) By September 30 of each year, the Vital Statistics Branch shall issue a public report
7 that provides statistics on all data collected, including the type of abortion procedure
8 used, for the previous calendar year compiled from all of the reports covering that
9 calendar year submitted to the cabinet in accordance with this section for each of the
10 items listed in subsections (1) and (2) of this section. Each annual report shall also
11 provide statistics for all previous calendar years in which this section was in effect,
12 adjusted to reflect any additional information from late or corrected reports. The
13 Vital Statistics Branch shall ensure that none of the information included in the
14 report could reasonably lead to the identification of any pregnant woman upon
15 whom an abortion was performed or attempted. Each annual report shall be made
16 available on the cabinet's Web site.

17 (5) (a) Any person or institution who fails to submit a report by the end of thirty (30)
18 days following the due date set in subsections (1) and (2) of this section shall
19 be subject to a late fee of five hundred dollars (\$500) for each additional thirty
20 (30) day period or portion of a thirty (30) day period the report is overdue.

21 (b) Any person or institution who fails to submit a report, or who has submitted
22 only an incomplete report, more than one (1) year following the due date set in
23 subsections (1) and (2) of this section, may in a civil action brought by the
24 Vital Statistics Branch be directed by a court of competent jurisdiction to
25 submit a complete report within a time period stated by court order or be
26 subject to contempt of court.

27 (c) Failure by any physician to comply with the requirements of this section, other

1 than filing a late report, or to submit a complete report in accordance with a
2 court order shall subject the physician to KRS 311.595.

3 (6) Intentional falsification of any report required under this section is a Class A
4 misdemeanor.

5 (7) The Vital Statistics Branch shall promulgate administrative regulations in
6 accordance with KRS Chapter 13A to assist in compliance with this section.

7 ➔Section 5. Whereas the Commonwealth of Kentucky has a paramount interest in
8 protecting all human life, an emergency is declared to exist, and this Act takes effect upon
9 its passage and approval by the Governor or upon its otherwise becoming a law.