

1 AN ACT relating to abortions performed upon a minor and declaring an emergency.

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

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

4 (1) For purposes of this section the following definitions shall apply:

5 (a) "Minor" means any person under the age of eighteen (18);

6 (b) "Emancipated minor" means any minor who is or has been married or has by
7 court order or otherwise been freed from the care, custody, and control of her
8 parents; and

9 (c) "Abortion" means the use of any instrument, medicine, drug, or any other
10 substance or device with intent to terminate the pregnancy of a woman known
11 to be pregnant with intent other than to increase the probability of a live birth,
12 to preserve the life or health of the child after live birth, or to remove a dead
13 fetus.

14 (2) No person shall perform an abortion upon a minor unless:

15 (a) The attending physician~~[or his agent]~~ ***has*** secured the informed written
16 consent of the minor and one (1) parent or legal guardian ***with joint or***
17 ***physical custody and the consenting parent or legal guardian of the minor***
18 ***has made a reasonable attempt to notify any other parent with joint or***
19 ***physical custody at least forty-eight (48) hours prior to providing the***
20 ***informed written consent.***

21 ***1. Notice shall not be required to be provided to any parent who has:***

22 ***a. Previously been enjoined by a domestic violence order or***
23 ***interpersonal protective order, regardless of whether or not the***
24 ***person to be protected by the order was the minor; or***

25 ***b. Been convicted of or entered into a diversion program for a***
26 ***criminal offense against a victim who is a minor as defined in***
27 ***KRS 17.500 or for a violent or sexual criminal offense under***

1 KRS Chapter 506, 507, 507A, 508, 509, 510, 529, 530, or 531.

2 2. The informed written consent shall include: [:-]

3 a. A copy of the minor's government-issued identification, a copy of
4 the consenting parent's or legal guardian's government-issued
5 identification, and written documentation including but not
6 limited to a birth certificate, court-ordered custodial paperwork,
7 or tax return, establishing that he or she is the lawful parent or
8 legal guardian; and

9 b. The parent's or legal guardian's certification that he or she
10 consents to the abortion. The certification shall be in a signed,
11 dated, and notarized document that has been initialed on each
12 page and that contains the following statement, which shall
13 precede the signature of the parent or legal guardian: "I, (insert
14 name of parent or legal guardian), am the (select "parent" or
15 "legal guardian") of (insert name of minor) and give consent for
16 (insert name of attending physician) to perform an abortion on
17 her. Under penalties of perjury, I declare that I have read the
18 foregoing statement and that the facts stated in it are true."

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

23 4. The attending physician securing the informed written consent from a
24 parent or legal guardian under this subsection shall execute for
25 inclusion in the medical record of the minor an affidavit stating: "I,
26 (insert name of attending physician), certify that, according to my best
27 information and belief, a reasonable person under similar

1 *circumstances would rely on the information presented by both the*
2 *minor and her parent or legal guardian as sufficient evidence of*
3 *identity.*”;

- 4 (b) The minor is emancipated and the attending physician~~[-or his agent]~~ has
5 received the informed written consent of the minor; or
- 6 (c) The minor elects to petition any Circuit or District Court of the
7 Commonwealth pursuant to subsection (3) of this section and obtain an order
8 pursuant to subsection (4) of this section granting consent to the abortion and
9 the attending physician~~[-or his agent]~~ has received the informed written
10 consent of the minor.
- 11 (3) Every minor shall have the right to petition any Circuit or District Court of the
12 Commonwealth for an order granting the right to self-consent to an abortion
13 pursuant to the following procedures:
- 14 (a) The minor or her next friend may prepare and file a petition setting forth the
15 request of the minor for an order of consent to an abortion;
- 16 (b) The court shall ensure~~insure~~ that the minor prepares or her next friend is
17 given assistance in preparing and filing the petition and shall ensure~~insure~~
18 that the minor's identity is kept anonymous;
- 19 (c) The minor may participate in proceedings in the court on her own behalf or
20 through her next friend and the court shall appoint a guardian ad litem for her.
21 The court shall advise her that she has a right to court-appointed counsel and
22 shall provide her with such counsel upon her request;
- 23 (d) All proceedings under this section shall be anonymous and shall be given
24 preference over other matters to ensure~~insure~~ that the court may reach a
25 decision promptly, but in no case shall the court fail to rule within seventy-
26 two (72) hours of the time of application, provided that the seventy-two (72)
27 hour limitation may be extended at the request of the minor; and

1 (e) The court shall hold a hearing on the merits of the petition before reaching a
2 decision. The court shall hear evidence at the hearing relating to:

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

4 **a. Age;**

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

6 **c. Maturity;**]

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

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

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

10 **g. Ability to assess both the current and future life-impacting** [the
11 nature, possible] consequences **of,** and alternatives to, the abortion;

12 **and**

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

15 **2. Whether there may be any undue influence by another on the minor's**

16 **decision to have an abortion** [any other evidence that the court may find
17 useful in determining whether the minor should be granted majority
18 rights for the purpose of consenting to the abortion or whether the
19 abortion is in the best interest of the minor].

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

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

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

25 **3. A preponderance of the evidence that the minor is the victim of child**
26 **abuse or sexual abuse inflicted by one (1) or both of her parents or her**
27 **legal guardian;**

1 the court shall enter a written order, making specific factual findings and legal
 2 conclusions supporting its decision to grant the petition for an abortion. ~~as~~
 3 follows: ~~]~~

4 **(b) If the court does not make any of the findings specified in paragraph (a) of**
 5 **this subsection, the court shall deny the petition** ~~(a) — Granting the petition~~
 6 ~~for an abortion if the court finds that the minor is mature and well informed~~
 7 ~~enough to make the abortion decision on her own;~~

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

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

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

16 (5) Any minor shall have the right of anonymous and expedited appeal to the Court of
 17 Appeals, and that court shall give precedence over other pending matters.

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

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

23 **(8)** ~~(7)~~ **(a)** The Supreme Court is respectfully requested to promulgate any rules and
 24 regulations it feels are necessary to ensure that proceedings under this section
 25 are handled in an expeditious and anonymous manner.

26 **(b) The Supreme Court, through the Administrative Office of the Courts, shall**
 27 **report by February 1 of each year to the Legislative Research Commission**

1 and the cabinet on the number of petitions filed under subsection (3) of this
 2 section for the preceding year, and the timing and manner of disposal of the
 3 petition by each court. For each approved petition granting an abortion
 4 filed under subsection (3) of this section, the specific court finding in
 5 subsection (4) of this section shall be included in the report.

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

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

14 (c) The physician shall inform the parent or legal guardian, in person or by
 15 telephone, within twenty-four (24) hours of the abortion, including details
 16 of the medical emergency that necessitated the abortion without the parent's
 17 or legal guardian's consent. The physician shall also provide this
 18 information in writing to the parent or legal guardian at his or her last
 19 known address by first-class mail or by certified mail, return receipt
 20 requested, with delivery restricted to the parent or legal guardian~~[A~~
 21 ~~physician who does not comply with subsection (2), (3), or (4) of this section~~
 22 ~~due to the utilization of this exception shall certify in writing the medical~~
 23 ~~indications upon which his judgment was based].~~

24 (10)~~[(9)]~~ A report indicating the basis for any medical judgment that warrants failure to
 25 obtain consent pursuant to this section shall be filed with the Cabinet for Health and
 26 Family Services on a form supplied by the cabinet. This report shall be confidential.

27 (11)~~[(10)]~~ Failure to obtain consent pursuant to the requirements of this section is prima

1 facie evidence of failure to obtain informed consent and of interference with family
2 relations in appropriate civil actions. The law of this state shall not be construed to
3 preclude the award of exemplary damages in any appropriate civil action relevant to
4 violations of this section. Nothing in this section shall be construed to limit the
5 common-law rights of parents.

6 **(12) A minor upon whom an abortion is performed is not guilty of violating this**
7 **section.**

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

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

- 15 (1) Knowingly made or presented, or caused to be made or presented, any false,
16 fraudulent, or forged statement, writing, certificate, diploma, or other thing, in
17 connection with an application for a license or permit;
- 18 (2) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion,
19 or conspiracy in connection with an examination for a license;
- 20 (3) Committed, procured, or aided in the procurement of an unlawful abortion,
21 including a partial-birth abortion or an abortion in violation of KRS 311.731;
- 22 (4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or
23 without the Commonwealth of Kentucky of a crime as defined in KRS 335B.010, if
24 in accordance with KRS Chapter 335B;
- 25 (5) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a
26 patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or
27 been found by the board to have had sexual contact as defined in KRS 510.010(7)

- 1 with a patient while the patient was under the care of the physician;
- 2 (6) Become addicted to a controlled substance;
- 3 (7) Become a chronic or persistent alcoholic;
- 4 (8) Been unable or is unable to practice medicine according to acceptable and
5 prevailing standards of care by reason of mental or physical illness or other
6 condition including but not limited to physical deterioration that adversely affects
7 cognitive, motor, or perceptive skills, or by reason of an extended absence from the
8 active practice of medicine;
- 9 (9) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely
10 to deceive, defraud, or harm the public or any member thereof;
- 11 (10) Knowingly made, or caused to be made, or aided or abetted in the making of, a false
12 statement in any document executed in connection with the practice of his
13 profession;
- 14 (11) Employed, as a practitioner of medicine or osteopathy in the practice of his
15 profession in this state, any person not duly licensed or otherwise aided, assisted, or
16 abetted the unlawful practice of medicine or osteopathy or any other healing art;
- 17 (12) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the
18 violation of, or conspired to violate any provision or term of any medical practice
19 act, including but not limited to the code of conduct promulgated by the board under
20 KRS 311.601 or any other valid regulation of the board;
- 21 (13) Violated any agreed order, letter of agreement, final order, or emergency order
22 issued by the board;
- 23 (14) Engaged in or attempted to engage in the practice of medicine or osteopathy under a
24 false or assumed name, or impersonated another practitioner of a like, similar, or
25 different name;
- 26 (15) Obtained a fee or other thing of value on the fraudulent representation that a
27 manifestly incurable condition could be cured;

- 1 (16) Willfully violated a confidential communication;
- 2 (17) Had his license to practice medicine or osteopathy in any other state, territory, or
3 foreign nation revoked, suspended, restricted, or limited or has been subjected to
4 other disciplinary action by the licensing authority thereof. This subsection shall not
5 require relitigation of the disciplinary action;
- 6 (18) Failed or refused, without legal justification, to practice medicine in a rural area of
7 this state in violation of a valid medical scholarship loan contract with the trustees
8 of the rural Kentucky medical scholarship fund;
- 9 (19) Given or received, directly or indirectly, from any person, firm, or corporation, any
10 fee, commission, rebate, or other form of compensation for sending, referring, or
11 otherwise inducing a person to communicate with a person licensed under KRS
12 311.530 to 311.620 in his professional capacity or for any professional services not
13 actually and personally rendered; provided, however, that nothing contained in this
14 subsection shall prohibit persons holding valid and current licenses under KRS
15 311.530 to 311.620 from practicing medicine in partnership or association or in a
16 professional service corporation authorized by KRS Chapter 274, as now or
17 hereinafter amended, or from pooling, sharing, dividing, or apportioning the fees
18 and moneys received by them or by the partnership, corporation, or association in
19 accordance with the partnership agreement or the policies of the board of directors
20 of the corporation or association. Nothing contained in this subsection shall
21 abrogate the right of two (2) or more persons holding valid and current licenses
22 under KRS 311.530 to 311.620 to receive adequate compensation for concurrently
23 rendering professional care to a single patient and divide a fee, if the patient has full
24 knowledge of this division and if the division is made in proportion to the services
25 performed and responsibility assumed by each;
- 26 (20) Been removed, suspended, expelled, or disciplined by any professional medical
27 association or society when the action was based upon what the association or

1 society found to be unprofessional conduct, professional incompetence, malpractice,
2 or a violation of any provision of KRS Chapter 311. This subsection shall not
3 require relitigation of the disciplinary action;

4 (21) Been disciplined by a licensed hospital or medical staff of the hospital, including
5 removal, suspension, limitation of hospital privileges, failing to renew privileges for
6 cause, resignation of privileges under pressure or investigation, or other disciplinary
7 action if the action was based upon what the hospital or medical staff found to be
8 unprofessional conduct, professional incompetence, malpractice, or a violation of
9 any provisions of KRS Chapter 311. This subsection shall not require relitigation of
10 the disciplinary action;

11 (22) Failed to comply with the requirements of KRS 213.101, 311.782, or 311.783 or
12 failed to submit to the Vital Statistics Branch in accordance with a court order a
13 complete report as described in KRS 213.101;

14 (23) Failed to comply with any of the requirements regarding making or maintaining
15 medical records or documents described in KRS 311.7704 or 311.7707;

16 (24) Failed to comply with the requirements of KRS 311.7705 or 311.7706;

17 (25) Been convicted of female genital mutilation under KRS 508.125, which shall result
18 in mandatory revocation of a license;~~or~~

19 (26) As provided in KRS 311.824(2), been convicted of a violation of KRS 311.823(2);

20 or

21 **(27) Failed to comply with the requirements of Section 1 of this Act.**

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

23 (1) Any person who violates KRS 311.250 shall be guilty of a violation.

24 (2) Any college or professor thereof violating the provisions of KRS 311.300 to
25 311.350 shall be civilly liable on his bond for a sum not less than one hundred
26 dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation,
27 which may be recovered by an action in the name of the Commonwealth.

- 1 (3) Any person who presents to the county clerk for the purpose of registration any
2 license which has been fraudulently obtained, or obtains any license under KRS
3 311.380 to 311.510 by false or fraudulent statement or representation, or practices
4 podiatry under a false or assumed name or falsely impersonates another practitioner
5 or former practitioner of a like or different name, or aids and abets any person in the
6 practice of podiatry within the state without conforming to the requirements of KRS
7 311.380 to 311.510, or otherwise violates or neglects to comply with any of the
8 provisions of KRS 311.380 to 311.510, shall be guilty of a Class A misdemeanor.
9 Each case of practicing podiatry in violation of the provisions of KRS 311.380 to
10 311.510 shall be considered a separate offense.
- 11 (4) Each violation of KRS 311.560 shall constitute a Class D felony.
- 12 (5) Each violation of KRS 311.590 shall constitute a Class D felony. Conviction under
13 this subsection of a holder of a license or permit shall result automatically in
14 permanent revocation of such license or permit.
- 15 (6) Conviction of willfully resisting, preventing, impeding, obstructing, threatening, or
16 interfering with the board or any of its members, or of any officer, agent, inspector,
17 or investigator of the board or the Cabinet for Health and Family Services, in the
18 administration of any of the provisions of KRS 311.550 to 311.620 shall be a Class
19 A misdemeanor.
- 20 (7) Each violation of KRS 311.375(1) shall, for the first offense, be a Class B
21 misdemeanor, and, for each subsequent offense shall be a Class A misdemeanor.
- 22 (8) Each violation of KRS 311.375(2) shall, for the first offense, be a violation, and, for
23 each subsequent offense, be a Class B misdemeanor.
- 24 (9) Each day of violation of either subsection of KRS 311.375 shall constitute a
25 separate offense.
- 26 (10) (a) Any person who intentionally or knowingly performs an abortion contrary to
27 the requirements of KRS 311.723(1) shall be guilty of a Class D felony; and

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

3 (11) (a) 1. Any physician who performs a partial-birth abortion in violation of KRS
4 311.765 shall be guilty of a Class D felony. However, a physician shall
5 not be guilty of the criminal offense if the partial-birth abortion was
6 necessary to save the life of the mother whose life was endangered by a
7 physical disorder, illness, or injury.

8 2. A physician may seek a hearing before the State Board of Medical
9 Licensure on whether the physician's conduct was necessary to save the
10 life of the mother whose life was endangered by a physical disorder,
11 illness, or injury. The board's findings, decided by majority vote of a
12 quorum, shall be admissible at the trial of the physician. The board shall
13 promulgate administrative regulations to carry out the provisions of this
14 subparagraph.

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

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

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

24 (12) (a) Except as provided in subsection (12) of Section 1 of this Act, any person
25 who intentionally or recklessly performs an abortion upon a minor without
26 obtaining the required consent pursuant to Section 1 of this Act shall be
27 guilty of a Class D felony.

1 **(b)** *Except as provided in paragraph (a) of this subsection,* any person who~~h~~
2 intentionally performs an abortion with knowledge that, or with reckless
3 disregard as to whether, the person upon whom the abortion is to be
4 performed is an unemancipated minor, and who~~h~~ intentionally or knowingly
5 fails to conform to any requirement of KRS 311.732 is guilty of a Class A
6 misdemeanor.

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

9 **(13)**~~(14)~~ Any person who performs an abortion upon a married woman either with
10 knowledge or in reckless disregard of whether KRS 311.735 applies to her and who
11 intentionally, knowingly, or recklessly fails to conform to the requirements of KRS
12 311.735 shall be guilty of a Class D felony.

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

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

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

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

19 **(18)**~~(19)~~ A person convicted of violating KRS 311.780 shall be guilty of a Class C
20 felony.

21 **(19)**~~(20)~~ Except as provided in KRS 311.782(6), any person who intentionally violates
22 KRS 311.782 shall be guilty of a Class D felony.

23 **(20)**~~(21)~~ Any person who violates KRS 311.783(1) shall be guilty of a Class B
24 misdemeanor.

25 **(21)**~~(22)~~ Any person who violates KRS 311.7705(1) is guilty of a Class D felony.

26 **(22)**~~(23)~~ Any person who violates KRS 311.7706(1) is guilty of a Class D felony.

27 **(23)**~~(24)~~ Except as provided in KRS 311.731(7), any person who violates KRS

1 311.731(2) shall be guilty of a Class D felony.

2 ~~(24)~~~~(25)~~ Any physician, physician assistant, advanced practice registered nurse, nurse,
3 or other healthcare provider who intentionally violates KRS 311.823(2) shall be
4 guilty of a Class D felony. As used in this subsection, "healthcare provider" has the
5 same meaning as in KRS 311.821.

6 ~~(25)~~~~(26)~~ Any person who violates KRS 311.810 shall be guilty of a Class A
7 misdemeanor.

8 ~~(26)~~~~(27)~~ Any professional medical association or society, licensed physician, or
9 hospital or hospital medical staff who shall have violated the provisions of KRS
10 311.606 shall be guilty of a Class B misdemeanor.

11 ~~(27)~~~~(28)~~ Any administrator, officer, or employee of a publicly owned hospital or
12 publicly owned health care facility who performs or permits the performance of
13 abortions in violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.

14 ~~(28)~~~~(29)~~ Any person who violates KRS 311.905(3) shall be guilty of a violation.

15 ~~(29)~~~~(30)~~ Any person who violates the provisions of KRS 311.820 shall be guilty of a
16 Class A misdemeanor.

17 ~~(30)~~~~(31)~~ (a) Any person who fails to test organs, skin, or other human tissue which is
18 to be transplanted, or violates the confidentiality provisions required by KRS
19 311.281, shall be guilty of a Class A misdemeanor.

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

25 ~~(31)~~~~(32)~~ Any person who sells or makes a charge for any transplantable organ shall be
26 guilty of a Class D felony.

27 ~~(32)~~~~(33)~~ Any person who offers remuneration for any transplantable organ for use in

1 transplantation into himself shall be fined not less than five thousand dollars
2 (\$5,000) nor more than fifty thousand dollars (\$50,000).

3 ~~(33)~~~~(34)~~ Any person brokering the sale or transfer of any transplantable organ shall be
4 guilty of a Class C felony.

5 ~~(34)~~~~(35)~~ Any person charging a fee associated with the transplantation of a
6 transplantable organ in excess of the direct and indirect costs of procuring,
7 distributing, or transplanting the transplantable organ shall be fined not less than
8 fifty thousand dollars (\$50,000) nor more than five hundred thousand dollars
9 (\$500,000).

10 ~~(35)~~~~(36)~~ Any hospital performing transplantable organ transplants which knowingly
11 fails to report the possible sale, purchase, or brokering of a transplantable organ
12 shall be fined not less than ten thousand dollars (\$10,000) or more than fifty
13 thousand dollars (\$50,000).

14 ~~(36)~~~~(37)~~ (a) Any physician or qualified technician who violates KRS 311.727 shall
15 be fined not more than one hundred thousand dollars (\$100,000) for a first
16 offense and not more than two hundred fifty thousand dollars (\$250,000) for
17 each subsequent offense.

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

21 ~~(37)~~~~(38)~~ Any person who violates KRS 311.691 shall be guilty of a Class B
22 misdemeanor for the first offense, and a Class A misdemeanor for a second or
23 subsequent offense. In addition to any other penalty imposed for that violation, the
24 board may, through the Attorney General, petition a Circuit Court to enjoin the
25 person who is violating KRS 311.691 from practicing genetic counseling in
26 violation of the requirements of KRS 311.690 to 311.700.

27 ~~(38)~~~~(39)~~ Any person convicted of violating KRS 311.728 shall be guilty of a Class D

1 felony.

2 ➔Section 4. Whereas the Commonwealth of Kentucky has a paramount interest in
3 protecting parental rights and human life, an emergency is declared to exist, and this Act
4 takes effect upon its passage and approval by the Governor or upon its otherwise
5 becoming law.