

1 AN ACT relating to pregnancy resource centers.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, "pregnancy resource center" means any health facility,*
6 *place, or institution, which is not a hospital, is not in a hospital or a private*
7 *residence, and is established to provide pregnancy health care services to women*
8 *who are pregnant or may be pregnant, including:*

9 *(a) Pregnancy testing;*

10 *(b) Counseling;*

11 *(c) Ultrasounds; and*

12 *(d) Other pregnancy-related services.*

13 *(2) A pregnancy resource center operating in this state shall be licensed in*
14 *accordance with this section.*

15 *(3) The cabinet shall promulgate administrative regulations establishing licensure*
16 *standards for pregnancy resource centers. The administrative regulations shall*
17 *establish the following requirements:*

18 *(a) Sanitation standards;*

19 *(b) Staff qualifications;*

20 *(c) Necessary emergency equipment;*

21 *(d) Procedures to provide emergency care;*

22 *(e) Procedures to monitor patients after the administration of anesthesia;*

23 *(f) Procedures to provide follow-up care for patient complications;*

24 *(g) Quality assurance standards;*

25 *(h) Infection control;*

26 *(i) Provision of informed consent brochures;*

27 *(j) Provision of a hotline telephone number to provide assistance for patients*

1 who are:

2 1. Coerced into an abortion; or

3 2. Victims of sex trafficking;

4 (k) Annual training by law enforcement officers on identifying and assisting
5 women who are:

6 1. Coerced into an abortion; or

7 2. Victims of sex trafficking;

8 (l) Operational policies, supervision requirements, and maintenance of medical
9 records, including the requirement that all forms that require a patient
10 signature be stored in the patient's medical record;

11 (m) Procedures for the issuance, renewal, denial, and revocation of licenses
12 under this section; and

13 (n) The licensure process, including:

14 1. The form and content of the license;

15 2. The collection of an annual license fee;

16 3. The procedures and standards for inspection;

17 4. A plan of correction process to address any violations of this section or
18 administrative regulations promulgated under this section; and

19 5. A process for disciplinary action.

20 (4) A person is guilty of a Class A misdemeanor if he or she knowingly or
21 intentionally:

22 (a) Operates a pregnancy resource center that is not licensed under this
23 section; or

24 (b) Advertises the operation of a pregnancy resource center that is not licensed
25 under this section.

26 (5) (a) Nothing in this section is intended to expand or limit the liability of a health
27 care provider or a pregnancy resource center.

1 (b) In the event of an action for injury or death due to any act or omission of a
 2 health care provider rendering services at a pregnancy resource center from
 3 which an injured patient is transferred to any other licensed health care
 4 provider or licensed health care facility, the liability of the subsequent
 5 licensed health care provider or licensed health care facility shall be limited
 6 to their own negligent acts and omissions that violate standards of care
 7 according to existing law, except as provided in paragraph (c) of this
 8 subsection.

9 (c) If the subsequent licensed health care provider or licensed health care
 10 facility owns, operates, or provides care at the pregnancy resource center,
 11 the licensed health care provider or licensed health care facility shall be
 12 liable for acts or omissions that violate applicable standards of care and
 13 occur at a pregnancy resource center that the licensed health care provider
 14 or licensed health care facility owns or operates.

15 ➔Section 2. KRS 216B.990 is amended to read as follows:

- 16 (1) Any person who, in willful violation of this chapter, operates a health facility, ~~or~~
 17 ~~abortion facility,~~ or pregnancy resource center as defined in Section 1 of this Act
 18 without first obtaining a license or continues to operate a health facility, ~~or~~
 19 ~~abortion facility,~~ or pregnancy resource center after a final decision suspending or
 20 revoking a license shall be fined not less than five hundred dollars (\$500) nor more
 21 than ten thousand dollars (\$10,000) for each violation.
- 22 (2) Any person who, in willful violation of this chapter, acquires major medical
 23 equipment, establishes a health facility, or obligates a capital expenditure without
 24 first obtaining a certificate of need, or after the applicable certificate of need has
 25 been withdrawn, shall be fined one percent (1%) of the capital expenditure involved
 26 but not less than five hundred dollars (\$500) for each violation.
- 27 (3) Any health care provider or hospital acting by or through its agents or employees

1 which violates any provision of KRS 216B.400 shall be punished by a fine of not
2 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). The
3 cabinet shall establish an online portal on its website for reporting violations of
4 KRS 216B.400.

5 (4) Any health facility which willfully violates KRS 216B.250 shall be fined one
6 hundred dollars (\$100) per day for failure to post required notices and one hundred
7 dollars (\$100) per instance for willfully failing to provide an itemized statement
8 within the required time frames.

9 (5) In addition to the civil penalties established under KRS 216B.306(1) and (4), any
10 person who advertises, solicits boarders, or operates a boarding home without first
11 obtaining a registration as required by KRS 216B.305 and any person who aids or
12 abets the operation of a boarding home that is not registered shall be imprisoned for
13 no more than twelve (12) months.

14 (6) Any person or entity establishing, managing, or operating an abortion facility or
15 conducting the business of an abortion facility which otherwise violates any
16 provision of this chapter or any administrative regulation promulgated thereunder
17 regarding abortion facilities shall be subject to revocation or suspension of the
18 license of the abortion facility. In addition, any violation of any provision of this
19 chapter regarding abortion facilities or any administrative regulation related thereto
20 by intent, fraud, deceit, unlawful design, willful and deliberate misrepresentation, or
21 by careless, negligent, or incautious disregard for the statute or administrative
22 regulation, either by persons acting individually or in concert with others, shall
23 constitute a violation and shall be punishable by a fine not to exceed one thousand
24 dollars (\$1,000) for each offense. Each day of continuing violation shall be
25 considered a separate offense. The venue for prosecution of the violation shall be in
26 any county of the state in which the violation, or any portion thereof, occurred.

27 (7) Any hospital acting by or through its agents or employees that violates any

1 provision of KRS 216B.150 shall be punished by a fine of not less than one hundred
2 dollars (\$100) nor more than five hundred dollars (\$500) for each violation.

3 (8) Any health facility acting by or through its agents or employees that violates any
4 provision of KRS 216B.153 shall be punished by a fine of not less than one hundred
5 dollars (\$100) nor more than five hundred dollars (\$500) for each violation.