

1 AN ACT relating to reproductive health care.

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

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

5 *Notwithstanding any other law to the contrary:*

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

7 *(a) "Abortion service" means:*

8 *1. An abortion; and*

9 *2. Any health care or other service related to or provided in conjunction*  
10 *with an abortion, regardless of whether the care or service is provided*  
11 *on one (1) visit or over the course of several visits; and*

12 *(b) "Seeking, obtaining, providing, or facilitating" includes but is not limited*  
13 *to:*

14 *1. Reviewing or researching information related to an abortion service;*

15 *2. Expressing interest in an abortion service;*

16 *3. Offering to pay or provide, or paying or providing, financial assistance*  
17 *for an abortion service;*

18 *4. Using, furnishing, providing, or disseminating any information*  
19 *related to an abortion service;*

20 *5. Offering to provide or providing transportation for or related to an*  
21 *abortion service;*

22 *6. Recommending, referring, arranging, assisting, or providing any*  
23 *service related to obtaining an abortion service;*

24 *7. Providing any health care service that is not prohibited in this*  
25 *Commonwealth related to a pregnancy;*

26 *8. Otherwise taking action to assist or obtain any abortion service; or*

27 *9. Attempting any action under subparagraphs 1. to 8. of this paragraph;*

1 (2) (a) A person, physician, health care provider, abortion referral or counseling  
2 agency, employer, or other individual or entity shall not be subject to civil  
3 liability, criminal liability, or administrative investigation for any act or  
4 attempted act to aid or encourage any person in connection with seeking,  
5 obtaining, providing, or facilitating an abortion service, including the  
6 termination of a pregnancy that is provided outside of this Commonwealth  
7 to a patient who resides in this Commonwealth and the abortion service is  
8 lawful in the state in which it is to be provided.

9 (b) This subsection shall apply to any termination of a pregnancy as a result of  
10 a patient's use of an abortion-inducing drug as defined in KRS 311.7731  
11 provided the patient received the abortion-inducing drug outside of this  
12 Commonwealth for the patient's personal and sole use, and the patient  
13 ingested the abortion-inducing drug in a state other than this  
14 Commonwealth;

15 (3) A medical record or other written, digital, or oral record created regarding any  
16 action or attempted action protected under this section, or any information  
17 contained in any record under this subsection, shall not be subject to disclosure  
18 or sale for the purpose of:

19 (a) Investigating, tracking, or attempting to identify any person, physician,  
20 health care provider, abortion referral or counseling agency, employer, or  
21 other individual or entity; or

22 (b) A civil, criminal, or administrative investigation into or proceeding against  
23 any person in connection with seeking, obtaining, providing, or facilitating  
24 an abortion service;

25 (4) A physician, health care provider, or other professional licensed in this  
26 Commonwealth shall not be subject to any disciplinary action, including  
27 revocation, suspension, initial denial, renewal denial, limitation, or restriction of

1 a license, reprimand, or monetary fine for any action or attempted action  
2 protected under this section;

3 (5) A business or organization shall not be refused a license to operate or do business  
4 in this Commonwealth, or be subject to any monetary fine, based solely upon any  
5 action or attempted action protected under this section;

6 (6) A public agency or employee, representative, or agent of a public agency, shall  
7 not implement or enforce any regulation or policy that may prevent, restrict,  
8 impede, or provide for any retaliation against the ability of:

9 (a) Any person to travel across a state line for the purpose of obtaining an  
10 abortion service that is lawful in the state in which the service is to be  
11 provided; or

12 (b) Any person, physician, health care provider, abortion referral or counseling  
13 agency, employer, or other individual or entity to assist another person  
14 traveling across a state line for the purpose of obtaining an abortion service  
15 that is lawful in the state in which the service is to be provided;

16 (7) An action protected under this section shall not by itself constitute a violation of  
17 KRS 529.100 or 529.110;

18 (8) (a) Any person who is harmed by a violation of subsections (2) to (7) of this  
19 section shall have a civil cause of action for actual and punitive damages,  
20 court costs, and reasonable attorney's fees against the alleged violator.

21 (b) The civil action provided for in paragraph (a) of this subsection may be filed  
22 in the Circuit Court for the county where the alleged violation occurred or  
23 the county where the plaintiff resides.

24 (c) Any person found liable under this subsection shall be jointly and severally  
25 liable with each other person found liable under this subsection for the  
26 damages arising from the same violation.

27 (d) For purposes of this subsection, the Commonwealth waives immunity for

1                   equitable and declaratory relief, and for any award of monetary damages,  
2                   costs, or attorney's fees; and  
3   (9) This section shall not be construed to create a right to the performance of an  
4                   abortion in this Commonwealth that is otherwise prohibited by the laws of this  
5                   Commonwealth.