

1 AN ACT relating to fetal homicide.

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

3 ➔Section 1. KRS 507A.010 is amended to read as follows:

4 (1) As used in this chapter:

5 (a) "Abortion" has the same meaning as in KRS 311.720;

6 (b) "Health care provider" has the same meaning as in KRS 304.17A-005; and

7 (c) "Unborn child" means a member of the species homo sapiens in utero from
8 conception onward, without regard to age, health, or condition of dependency.

9 (2) In a prosecution for the death of an unborn child, ~~nothing in~~ this chapter shall ***not***
10 apply to acts performed by or at the direction of a health care provider that cause
11 the death of an unborn child if those acts were committed:

12 (a) During any abortion for which the consent of the pregnant woman has been
13 obtained or for which the consent is implied by law in a medical emergency;
14 or

15 (b) As part of or incident to diagnostic testing or therapeutic medical or fertility
16 treatment ~~if, provided that~~ the acts were performed with that degree of care
17 and skill which an ordinarily careful, skilled, and prudent health care provider
18 or a person acting under the provider's direction would exercise under the
19 same or similar circumstances.}

20 ~~(3) Nothing in this chapter shall apply to any acts of a pregnant woman that caused the~~
21 ~~death of her unborn child.]~~