

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 apply
10 to acts performed by or at the direction of a health care provider that cause the death
11 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, provided that the acts were performed with that degree of care and
17 skill which an ordinarily careful, skilled, and prudent health care provider or a
18 person acting under the provider's direction would exercise under the same or
19 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.]~~