

1 AN ACT relating to abortion.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 311.715 TO 311.820 IS CREATED  
4 TO READ AS FOLLOWS:

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

6 *(a) "Fertilization" means that point in time when a male human sperm*  
7 *penetrates the zona pellucida of a female human ovum;*

8 *(b) "Pregnant" means the human female reproductive condition of having a*  
9 *living unborn human being within her body throughout the entire*  
10 *embryonic and fetal stages of the unborn child from fertilization to full*  
11 *gestation and childbirth; and*

12 *(c) "Unborn human being" means an individual living member of the species*  
13 *homo sapiens throughout the entire embryonic and fetal stages of the*  
14 *unborn child from fertilization to full gestation and childbirth.*

15 *(2) The provisions of this section shall become effective immediately upon, and to the*  
16 *extent permitted, by the occurrence of any of the following circumstances:*

17 *(a) Any decision of the United States Supreme Court which reverses, in whole*  
18 *or in part, Roe v. Wade, 410 U.S. 113 (1973), thereby restoring to the*  
19 *Commonwealth of Kentucky the authority to prohibit abortion; or*

20 *(b) Adoption of an amendment to the United States Constitution which, in*  
21 *whole or in part, restores to the Commonwealth of Kentucky the authority*  
22 *to prohibit abortion.*

23 *(3) (a) No person may knowingly:*

24 *1. Administer to, prescribe for, procure for, or sell to any pregnant*  
25 *woman any medicine, drug, or other substance with the specific intent*  
26 *of causing or abetting the termination of the life of an unborn human*  
27 *being; or*

1           2. Use or employ any instrument or procedure upon a pregnant woman  
2           with the specific intent of causing or abetting the termination of the  
3           life of an unborn human being.

4           (b) Any person who violates paragraph (a) of this subsection shall be guilty of a  
5           Class D felony.

6           (4) The following shall not be a violation of subsection (3) of this section:

7           (a) For a licensed physician to perform a medical procedure necessary in  
8           reasonable medical judgment to prevent the death or substantial risk of  
9           death due to a physical condition, or to prevent the serious, permanent  
10           impairment of a life-sustaining organ of a pregnant woman. However, the  
11           physician shall make reasonable medical efforts under the circumstances to  
12           preserve both the life of the mother and the life of the unborn human being  
13           in a manner consistent with reasonable medical practice; or

14           (b) Medical treatment provided to the mother by a licensed physician which  
15           results in the accidental or unintentional injury or death to the unborn  
16           human being.

17           (5) Nothing in this section may be construed to subject the pregnant mother upon  
18           whom any abortion is performed or attempted to any criminal conviction and  
19           penalty.

20           (6) Nothing in this section may be construed to prohibit the sale, use, prescription, or  
21           administration of a contraceptive measure, drug, or chemical, if it is administered  
22           prior to the time when a pregnancy could be determined through conventional  
23           medical testing and if the contraceptive measure is sold, used, prescribed, or  
24           administered in accordance with manufacturer instructions.

25           (7) The provisions of this section shall be effective relative to the appropriation of  
26           Medicaid funds, to the extent consistent with any executive order by the President  
27           of the United States, federal statute, appropriation rider, or federal regulation

1        *that sets forth the limited circumstances in which states must fund abortion to*  
2        *remain eligible to receive federal Medicaid funds pursuant to 42 U.S.C. secs.*  
3        *1396 et. seq.*

4        ➔Section 2. This Act may be cited as the Human Life Protection Act.