

1 AN ACT prohibiting the use of public resources for abortion services.

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

3 ➔Section 1. KRS 311.720 is amended to read as follows:

4 As used in KRS 311.710 to 311.820, and laws of the Commonwealth unless the context  
5 otherwise requires:

6 (1) "Abortion" shall mean the use of any means whatsoever to terminate the pregnancy  
7 of a woman known to be pregnant with intent to cause fetal death;

8 (2) **"Abortion services" means:**

9 **(a) Providing abortions;**

10 **(b) Providing referrals to or information about facilities where abortions are**  
11 **performed or individuals who perform abortions; or**

12 **(c) Providing counseling, advice, written materials or other information that**  
13 **encourages or promotes abortion;**

14 **(3)** "Hospital" shall mean those institutions licensed in the Commonwealth of Kentucky  
15 pursuant to the provisions of KRS Chapter 216;

16 ~~**(4)**~~~~**(3)**~~ "Consent" as used in KRS 311.710 to 311.820 with reference to those who  
17 must give their consent shall mean an informed consent expressed by a written  
18 agreement to submit to an abortion on a written form of consent to be promulgated  
19 by the secretary for health and family services;

20 ~~**(5)**~~~~**(4)**~~ "Cabinet" shall mean the Cabinet for Health and Family Services of the  
21 Commonwealth of Kentucky;

22 ~~**(6)**~~~~**(5)**~~ "Fetus" shall mean a human being from fertilization until birth;

23 ~~**(7)**~~~~**(6)**~~ "Human being" shall mean any member of the species homo sapiens from  
24 fertilization until death;

25 ~~**(8)**~~~~**(7)**~~ "Partial-birth abortion" shall mean an abortion in which the physician  
26 performing the abortion partially vaginally delivers a living fetus before killing the  
27 fetus and completing the delivery;

1 ~~(9)~~~~(8)~~ "Vaginally delivers a living fetus before killing the fetus" shall mean  
2 deliberately and intentionally delivers into the vagina a living fetus, or a substantial  
3 portion thereof, for the purpose of performing a procedure the physician knows will  
4 kill the fetus, and kills the fetus;

5 ~~(10)~~~~(9)~~ "Physician" shall mean any person licensed to practice medicine in the  
6 Commonwealth or osteopathy pursuant to the provisions of this chapter;

7 ~~(11)~~~~(10)~~ "Viability" shall mean that stage of human development when the life of the  
8 unborn child may be continued by natural or life-supportive systems outside the  
9 womb of the mother;

10 ~~(12)~~~~(11)~~ "Accepted medical procedures" shall mean procedures of the type performed  
11 in the manner and in a facility with equipment sufficient to meet the standards of  
12 medical care which physicians engaged in the same or similar lines of work, would  
13 ordinarily exercise and devote to the benefit of their patients;

14 ~~(13)~~~~(12)~~ "Medical emergency" means any condition which, on the basis of the  
15 physician's good faith clinical judgment, so complicates the medical condition of a  
16 pregnant female as to necessitate the immediate abortion of her pregnancy to avert  
17 her death or for which a delay will create serious risk of substantial and irreversible  
18 impairment of a major bodily function;

19 ~~(14)~~~~(13)~~ "Medical necessity" means a medical condition of a pregnant woman that, in  
20 the reasonable judgment of the physician who is attending the woman, so  
21 complicates the pregnancy that it necessitates the immediate performance or  
22 inducement of an abortion; and

23 ~~(15)~~~~(14)~~ "Probable gestational age of the embryo or fetus" means the gestational age  
24 that, in the judgment of a physician, is, with reasonable probability, the gestational  
25 age of the embryo or fetus at the time that the abortion is planned to be performed.

26 ➔Section 2. KRS 311.715 is amended to read as follows:

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

1 (a) "Affiliate" means an individual or entity that directly or indirectly owns,  
 2 controls, is controlled by, or is under common control of another person or  
 3 entity in whole or in part, including but not limited to subsidiary, parent, or  
 4 sibling entities; and

5 (b) "Public funds" means any money, regardless of the original source of the  
 6 money, of:

7 1. The Commonwealth of Kentucky, and any department, agency, or  
 8 instrumentality thereof;

9 2. Any county, city, or special district, and any department, agency, or  
 10 instrumentality thereof; and

11 3. Any other political subdivision of the Commonwealth, and any  
 12 department, agency, or instrumentality thereof.

13 (2) ~~[(No)]~~ Public funds shall **not** be used for the purpose of obtaining an abortion or  
 14 paying for the performance of an abortion. Public medical facilities may be used for  
 15 the purpose of conducting research into or the performance of in-vitro fertilization  
 16 as long as such procedures do not result in the intentional destruction of a human  
 17 embryo. ~~[For purposes of this section, "public funds" means any money of the~~  
 18 Commonwealth of Kentucky, any department, agency or instrumentality thereof, or  
 19 any money of any county, city, agency or instrumentality thereof or any money of  
 20 any other political subdivision of the Commonwealth, agency or instrumentality  
 21 thereof.]

22 (3) (a) Except as provided in paragraph (b) of this subsection, public funds shall  
 23 not be directly or indirectly used, granted, paid, or distributed to any entity,  
 24 organization, or individual that provides abortion services or that is an  
 25 affiliate of an entity, organization, or individual that provides abortion  
 26 services.

27 (b) The provisions of paragraph (a) of this subsection shall not apply to

1                   *funding available through KRS 205.510 to 205.560, and shall not apply to*  
2                   *funding for hospitals, medical schools, or universities.*

3    (4)   Nothing in this section shall be deemed to deprive a woman of all appropriate  
4           medical care necessary to prevent her physical death.

5    (5)   Nothing in this section shall be construed to allow public funds to pay for in-vitro  
6           fertilization procedures performed on any individual patient.