

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, whether provided at the same time or on the same*
11 *day as the abortion; and*

12 *(b) "Seeking, obtaining, providing, or facilitating" shall include but not be*
13 *limited 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) No person, physician, health care provider, abortion referral or counseling
2 agency, employer, or other individual or entity shall 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 is lawful in
8 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 drug outside of this Commonwealth for the
12 patient's personal and sole use, and the patient ingested the abortion-
13 inducing drug in a state other than this Commonwealth;

14 (3) No medical record or other written, digital, or oral record created regarding any
15 action or attempted action protected under this section, or any information
16 contained in any record under this subsection, shall be subject to disclosure or
17 sale for the purpose of:

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

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

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

1 protected under this section;

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

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

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

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

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

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

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

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

26 (d) For purposes of this subsection, the Commonwealth waives immunity for
27 equitable and declaratory relief, and for any award of monetary damages,

- 1 costs, or attorney's fees; and
- 2 (9) Nothing in this section shall be construed to create a right to the performance of
- 3 an abortion in this Commonwealth that is otherwise prohibited by the laws of this
- 4 Commonwealth.