

### **311.720 Definitions for KRS 311.710 to 311.820 and other laws.**

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

- (1) "Abortion" shall mean the use of any means whatsoever to terminate the pregnancy of a woman known to be pregnant with intent to cause fetal death;
- (2) "Hospital" shall mean those institutions licensed in the Commonwealth of Kentucky pursuant to the provisions of KRS Chapter 216;
- (3) "Consent" as used in KRS 311.710 to 311.820 with reference to those who must give their consent shall mean an informed consent expressed by a written agreement to submit to an abortion on a written form of consent to be promulgated by the secretary for health and family services;
- (4) "Cabinet" shall mean the Cabinet for Health and Family Services of the Commonwealth of Kentucky;
- (5) "Fetus" shall mean a human being from fertilization until birth;
- (6) "Human being" shall mean any member of the species homo sapiens from fertilization until death;
- (7) "Partial-birth abortion" shall mean an abortion in which the physician performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery;
- (8) "Vaginally delivers a living fetus before killing the fetus" shall mean deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus;
- (9) "Physician" shall mean any person licensed to practice medicine in the Commonwealth or osteopathy pursuant to the provisions of this chapter;
- (10) "Viability" shall mean that stage of human development when the life of the unborn child may be continued by natural or life-supportive systems outside the womb of the mother;
- (11) "Accepted medical procedures" shall mean procedures of the type performed in the manner and in a facility with equipment sufficient to meet the standards of medical care which physicians engaged in the same or similar lines of work, would ordinarily exercise and devote to the benefit of their patients;
- (12) "Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;
- (13) "Medical necessity" means a medical condition of a pregnant woman that, in the reasonable judgment of the physician who is attending the woman, so complicates the pregnancy that it necessitates the immediate performance or inducement of an abortion; and
- (14) "Probable gestational age of the embryo or fetus" means the gestational age that, in

the judgment of a physician, is, with reasonable probability, the gestational age of the embryo or fetus at the time that the abortion is planned to be performed.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 587, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 541, effective July 15, 1998; ch. 578, sec. 1, effective July 15, 1998; and ch. 614, sec. 1, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 342, sec. 2, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 255, sec. 2.