

1 AN ACT relating to full disclosure in public safety and declaring an emergency.

2 WHEREAS, ultrasound requirements serve an essential medical purpose in
3 confirming the presence, location, and gestational age of a pregnancy; and

4 WHEREAS, ultrasound requirements also serve an essential medical purpose in
5 diagnosing ectopic pregnancies which, if left undiagnosed, can result in infertility or even
6 fatal blood loss; and

7 WHEREAS, it is critical to the psychological and physical well-being of a woman
8 considering an abortion that she receive complete and accurate information on the reality
9 and status of her pregnancy and of her unborn child; and

10 WHEREAS, a woman considering an abortion does not currently receive complete
11 and accurate information on the reality and status of her pregnancy and of her unborn
12 child because she is not always given the opportunity to view an ultrasound image of her
13 unborn child or to hear her unborn child's heartbeat; and

14 WHEREAS, the decision to abort "is an important, and often a stressful one, and it
15 is desirable and imperative that it be made with full knowledge of its nature and
16 consequences." *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52, 67
17 (1976); and

18 WHEREAS, the knowledgeable exercise of a woman's decision to have an abortion
19 depends on the extent to which the woman receives sufficient information to make an
20 informed choice between the two alternatives of giving birth or having an abortion; and

21 WHEREAS, the purpose of this Act is to protect the physical health and welfare of
22 every woman considering an abortion; and

23 WHEREAS, the purpose of this Act is to ensure that every woman considering an
24 abortion receive complete information on the reality and status of her pregnancy and of
25 her unborn child and that every woman submitting to an abortion do so only after giving
26 her voluntary and informed consent to the abortion procedure; and

27 WHEREAS, the purpose of this Act is to protect the unborn child from a woman's

1 uninformed decision to have an abortion; and

2 WHEREAS, the purpose of this Act is to reduce "the risk that a woman may elect
3 an abortion, only to discover later, with devastating psychological consequences, that her
4 decision was not fully informed." *Planned Parenthood of Southeastern Pennsylvania v.*
5 *Casey*, 505 U.S. 833, 882 (1992);

6 NOW, THEREFORE,

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

8 ➔Section 1. KRS 311.727 is amended to read as follows:

9 (1) As used in this section:

10 (a) "Ascultate" means to examine by listening for sounds made by internal organs
11 of the fetus, specifically for a fetal heartbeat, utilizing an ultrasound
12 transducer or a fetal heart rate monitor;

13 (b) "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for
14 diagnostic or therapeutic purposes, specifically to monitor a developing fetus;
15 and

16 (c) "Qualified technician" means a medical imaging technologist as defined in
17 KRS 311B.020 who is certified in obstetrics and gynecology by the American
18 Registry for Diagnostic Medical Sonography or a nurse midwife or advance
19 practice nurse practitioner in obstetrics with certification in obstetrical
20 ultrasonography.

21 (2) Prior to a woman giving informed consent to having any part of an abortion
22 performed, the physician who is to perform the abortion or a qualified technician to
23 whom the responsibility has been delegated by the physician shall:

24 (a) Perform an obstetric ultrasound on the pregnant woman;

25 (b) ~~[Provide a simultaneous explanation of what the ultrasound is depicting,~~
26 ~~which shall include the presence and location of the unborn child within the~~
27 ~~uterus and the number of unborn children depicted and also, if the ultrasound~~

1 ~~image indicates that fetal demise has occurred, inform the woman of that fact;~~
 2 ~~(e)~~ Display the ultrasound images so that the pregnant woman may view the
 3 images;

4 ~~(c)~~~~(d)~~ Ascultate the fetal heartbeat of the unborn child so that the pregnant
 5 woman may hear the heartbeat if the heartbeat is audible;

6 ~~(d)~~~~(e)~~ Provide a **written** medical description of the ultrasound images, which
 7 shall include:

8 **1. A statement that the ultrasound images depict the image of a live**
 9 **human being as defined in KRS 311.720;**

10 **2. The location of each unborn child within the uterus;**

11 **3. The number of unborn children depicted;**

12 **4.** The dimensions of **each unborn child**~~[the embryo or fetus];~~~~[and]~~

13 **5.** The presence of external members and internal organs, if present and
 14 viewable; **and**

15 **6. If the ultrasound images indicate that fetal demise has occurred, a**
 16 **statement informing the woman of that fact;** and

17 ~~(e)~~~~(f)~~ Retain in the woman's medical record a signed certification from the
 18 pregnant woman that she has been presented with the information required to
 19 be provided under paragraphs ~~(b)~~, ~~(c)~~, and ~~(d)~~ of this subsection and has
 20 viewed the ultrasound images, listened to the heartbeat if the heartbeat is
 21 audible, or declined to do so. The signed certification shall be on a form
 22 prescribed by the cabinet.

23 (3) When the ultrasound images and heartbeat sounds are provided to and reviewed
 24 with the pregnant woman, nothing in this section shall be construed to prevent the
 25 pregnant woman from averting her eyes from the ultrasound images or requesting
 26 the volume of the heartbeat be reduced or turned off if the heartbeat is audible.
 27 Neither the physician, the qualified technician, nor the pregnant woman shall be

1 subject to any penalty if the pregnant woman refuses to look at the displayed
2 ultrasound images or to listen to the heartbeat if the heartbeat is audible.

3 (4) The requirements of this section shall be in addition to any requirement contained in
4 KRS 311.725 or any other section of KRS 311.710 to 311.820.

5 (5) The provisions of this section shall not apply in the case of a medical emergency or
6 medical necessity. If a medical emergency or medical necessity compels the
7 performance or inducement of an abortion, the physician who will perform or
8 induce the abortion, prior to its performance or inducement if possible, shall inform
9 the pregnant woman of the medical indications supporting the physician's judgment
10 that an immediate abortion is necessary. Any physician who performs or induces an
11 abortion without the prior satisfaction of the requirements of this section because of
12 a medical emergency or medical necessity shall enter the reasons for the conclusion
13 that a medical emergency or medical necessity exists in the medical record of the
14 pregnant woman.

15 ➔Section 2. Whereas ultrasound requirements serve an essential medical purpose
16 in confirming the presence, location, and gestational age of a pregnancy, and whereas the
17 knowledgeable exercise of a woman's decision to have an abortion depends on the extent
18 to which the woman receives sufficient information to make an informed choice between
19 the two alternatives of giving birth or having an abortion, an emergency is declared to
20 exist, and this Act takes effect upon its passage and approval by the Governor or upon its
21 otherwise becoming law.