

**311.783 Required determination of unborn child's probable post-fertilization age prior to abortion -- Penalty for violation.**

- (1) Except in a medical emergency that prevents compliance with this section, no physician shall intentionally perform or induce or intentionally attempt to perform or induce an abortion on a pregnant woman unless, prior to the performance or inducement of the abortion or the attempt to perform or induce the abortion, the physician determines, in the physician's reasonable medical judgment, the unborn child's probable post-fertilization age. The physician shall make that determination after making inquiries of the pregnant woman and performing any medical examinations or tests of the pregnant woman the physician considers necessary as a reasonably prudent physician, knowledgeable about the case and medical conditions involved, would consider necessary to determine the unborn child's probable post-fertilization age.
- (2) Except in a medical emergency that prevents compliance with this section, no physician shall intentionally perform or induce or intentionally attempt to perform or induce an abortion on a pregnant woman after the unborn child reaches the probable post-fertilization age of twenty (20) weeks without first entering the determination made in subsection (1) of this section and the associated findings of the medical examination and tests in the medical record of the pregnant woman.
- (3) The state Board of Medical Licensure shall suspend a physician's license to practice medicine in this state for a period of not less than six (6) months if the physician violates this section.

**Effective:** January 9, 2017

**History:** Created 2017 Ky. Acts ch. 5, sec. 3, effective January 9, 2017.