

**311.7704 Determination of fetal heartbeat -- Medical records -- Option to view or hear heartbeat -- Administrative regulations -- Persons not in violation.**

- (1)
  - (a) A person who intends to perform or induce an abortion on a pregnant woman shall determine whether there is a detectable fetal heartbeat of the unborn human individual the pregnant woman is carrying. The method of determining the presence of a fetal heartbeat shall be consistent with the person's good-faith understanding of standard medical practice, provided that if administrative regulations have been promulgated under subsection (2) of this section, the method chosen shall be one that is consistent with the regulations.
  - (b) The person who determines the presence or absence of a fetal heartbeat shall record in the pregnant woman's medical record the estimated gestational age of the unborn human individual, the method used to test for a fetal heartbeat, the date and time of the test, and the results of the test.
  - (c) The person who performs the examination for the presence of a fetal heartbeat shall give the pregnant woman the option to view or hear the fetal heartbeat.
- (2) The secretary of the Cabinet for Health and Family Services may promulgate administrative regulations specifying the appropriate methods of performing an examination for the purpose of determining the presence of a fetal heartbeat of an unborn human individual based on standard medical practice. The regulations shall require only that an examination shall be performed externally.
- (3) A person is not in violation of subsection (1) or (2) of this section if:
  - (a) The person has performed an examination for the purpose of determining the presence of a fetal heartbeat of an unborn human individual utilizing standard medical practice;
  - (b) The examination does not reveal a fetal heartbeat or the person has been informed by a physician who has performed the examination for a fetal heartbeat that the examination did not reveal a fetal heartbeat; and
  - (c) The person notes in the pregnant woman's medical records the procedure utilized to detect the presence of a fetal heartbeat.

**Effective:** March 15, 2019

**History:** Created 2019 Ky. Acts ch. 20, sec. 4, effective March 15, 2019.