213.172 Report on prescriptions for abortion-inducing drugs -- Failure to comply -- Administrative regulations.

(1) Each prescription dispensed by a pharmacy for RU-486, cytotec, pitocin, mifeprex, misoprostol, or any other drug or combination of drugs for which the primary indication is the induction of abortion as defined in KRS 213.011 shall be reported to the Vital Statistics Branch within three (3) days after the end of the month in which the prescription was dispensed, but the report shall not include information which will identify the pregnant patient involved or anyone who may have picked up the dispensed prescription on behalf of the woman.

(2) The report shall include at a minimum:

(a) The full name and address of the pharmacist or pharmacy dispensing the prescription;

(b) The names, serial numbers, National Drug Codes, lot numbers, and expiration dates of the specific abortion-inducing drugs that were dispensed;

(c) The full name and address of the referring physician, agency, or service, if any;

(d) The pregnant patient's city or town, county, state, country of residence, and zip code;

(e) The pregnant patient's age, race, and ethnicity;

(f) The age or approximate age of the father, if known;

(g) A list of any pre-existing medical conditions of the pregnant patient that may complicate her pregnancy, if any, including hemorrhage, infection, uterine perforation, cervical laceration, retained products, or any other condition;

(h) Whether the pregnant patient was Rh negative and, if so, was provided with an Rh negative information fact sheet and treated with the prevailing medical standard of care to prevent harmful fetal or child outcomes or Rh incompatibility in future pregnancies; and

(i) The reason for the abortion, if known, including abuse, coercion, harassment, or trafficking.

(3) The report shall not contain:

(a) The name of the pregnant patient;

(b) Common identifiers such as a Social Security number and motor vehicle operator's license number; and

(c) Any other information or identifiers that would make it possible to ascertain the patient's identity.

(4) The name of the person completing the report and the reporting institution shall not be subject to disclosure under KRS 61.870 to 61.884.

(5) (a) Any person or institution who fails to submit a report by the end of thirty (30) days following the due date set in subsection (1) of this section shall be subject to a late fee of five hundred dollars ($500) for each additional thirty (30) day period or portion of a thirty (30) day period the report is overdue.

(b) Any person or institution who fails to submit a report, or who has submitted only an incomplete report, more than one (1) year following the due date set in subsection (1) of this section, may in a civil action brought by the Vital Statistics Branch be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.

(c) Failure by any pharmacist or pharmacy to comply with the requirements of this section, other than filing a late report, or to submit a complete report in accordance with a court order shall subject the pharmacist or pharmacy to KRS 315.121.

(6) Intentional falsification of any report required under this section is a Class A misdemeanor.

(7) The Vital Statistics Branch shall promulgate administrative regulations in accordance with KRS Chapter 13A to assist in compliance with this section.

Effective: April 14, 2022

History: Created 2022 Ky. Acts ch. 210, sec. 29, effective April 14, 2022.

Legislative Research Commission Note (4/14/2022). This statute was created by 2022 Ky. Acts ch. 210, sec. 29. Section 38 of that Act states, "Sections 1 to 31 of this Act may be cited as the Humanity in Healthcare Act of 2022."