

1 AN ACT relating to reproductive privacy and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
4 READ AS FOLLOWS:

5 *The General Assembly of the Commonwealth of Kentucky hereby finds and declares*
6 *that:*

7 *(1) It is in the interest of the people of the Commonwealth of Kentucky that all*
8 *people have access to comprehensive sexual and reproductive health care,*
9 *including abortion and contraception;*

10 *(2) In the case of Roe v. Wade, 410 U.S. 113 (1973), the United States Supreme*
11 *Court found that the fundamental right of privacy protects the right to decide*
12 *whether to have an abortion;*

13 *(3) Nearly one-half (1/2) of pregnancies in the United States are unintended, and*
14 *over forty percent (40%) of those end in abortion;*

15 *(4) The rates of unintended pregnancy and teen pregnancy in Kentucky are above*
16 *the national average, and the rate of unintended pregnancy in Kentucky is*
17 *decreasing at a significantly lower rate than most other states;*

18 *(5) The decision to bear a child or obtain an abortion prior to the viability of the*
19 *fetus should belong to a pregnant person in consultation with their physician;*
20 *and*

21 *(6) A pregnant person's life and health are paramount and cannot be compromised*
22 *as a result of any law or regulation governing abortion.*

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
24 READ AS FOLLOWS:

25 *Notwithstanding the provisions of KRS 311.710 to 311.820, 311.821 to 311.827,*
26 *311.990, and 311.992 to the contrary:*

27 *(1) Every individual shall have a fundamental right to choose or refuse*

1 contraception or sterilization;

2 (2) Every individual shall have a fundamental right to choose to carry a pregnancy
3 to term, give birth to a child, or terminate a pregnancy prior to the viability of the
4 fetus;

5 (3) Nothing in the regulation or provision of benefits, facilities, services, or
6 information shall deny or interfere with an individual's fundamental rights
7 under subsections (1) and (2) of this section, including individuals under state
8 custody or supervision, to:

9 (a) Choose or refuse contraception or sterilization; or

10 (b) Choose to carry a pregnancy to term, give birth to a child, or terminate a
11 pregnancy;

12 (4) No state law, administrative regulation, or policy shall discriminate in the
13 protection or enforcement of an individual's fundamental rights under
14 subsections (1) and (2) of this section on the basis of sex, disability, race,
15 ethnicity, gender identity, age, marital status, national origin, immigration status,
16 religion, or sexual orientation; and

17 (5) Any state or local official who is charged with violating the provisions of this
18 section shall be subject to an action in federal or state court for injunctive relief
19 and damages. Such action may be brought by any person or entity that may be
20 aggrieved by such official's actions.

21 ➔Section 3. The provisions of this Act shall be severable, and if any phrase,
22 clause, sentence or provision is declared to be invalid or is preempted by federal law or
23 regulation, the validity of the remainder of this Act shall not be affected.

24 ➔Section 4. Whereas, the fundamental reproductive rights of individuals are
25 increasingly at risk, an emergency is declared to exist, and this Act shall take effect upon
26 its passage and approval by the Governor or upon its otherwise becoming a law.