

1 AN ACT relating to protecting access to in vitro fertilization.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO
4 READ AS FOLLOWS:

5 *A facility that provides any procedure related to in vitro fertilization shall not be liable*
6 *for any damages to a patient or the patient's surviving spouse or partner resulting from*
7 *the loss of a human embryo, except in cases of negligence or wanton, willful,*
8 *malicious, or intentional misconduct.*

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

11 *(1) As used in this section, "health care provider" means any provider of health*
12 *services, including but not limited to individuals licensed or regulated by the*
13 *Kentucky Board of Medical Licensure or the Kentucky Board of Nursing*
14 *pursuant to KRS Chapters 311 and 314, embryologists, and laboratory personnel.*

15 *(2) A health care provider that is performing any procedure related to in vitro*
16 *fertilization shall not be criminally liable or liable for any damages to a patient or*
17 *the patient's surviving spouse or partner resulting from the loss of a human*
18 *embryo, except in cases of negligence or wanton, willful, malicious, or intentional*
19 *misconduct.*