

**311.723 When physician may perform abortion -- Guidelines.**

- (1) No abortion shall be performed except by a physician after either:
  - (a) He determines that, in his best clinical judgment, the abortion is necessary; or
  - (b) He receives what he reasonably believes to be a written statement signed by another physician, hereinafter called the "referring physician," certifying that in the referring physician's best clinical judgment the abortion is necessary, and, in addition, he receives a copy of the report form required by KRS 213.055.
- (2) No abortion shall be performed except in compliance with regulations which the cabinet shall issue to assure that:
  - (a) Before the abortion is performed, the pregnant woman shall have a private medical consultation either with the physician who is to perform the abortion or with the referring physician in a place, at a time and of a duration reasonably sufficient to enable the physician to determine whether, based upon his best clinical judgment, the abortion is necessary;
  - (b) The physician who is to perform the abortion or the referring physician will describe the basis for his best clinical judgment that the abortion is necessary on a form prescribed by the cabinet as required by KRS 213.055; and
  - (c) Paragraph (a) of this subsection shall not apply when, in the medical judgment of the attending physician based on the particular facts of the case before him, there exists a medical emergency. In such a case, the physician shall describe the basis of his medical judgment that an emergency exists on a form prescribed by the cabinet as required by KRS 213.055.
- (3) Notwithstanding any statute to the contrary, nothing in this chapter shall be construed as prohibiting a physician from prescribing or a woman from using birth control methods or devices, including, but not limited to, intrauterine devices, oral contraceptives, or any other birth control method or device.

**Effective:** July 15, 1982

**History:** Created 1982 Ky. Acts ch. 342, sec. 3, effective July 15, 1982.

**Legislative Research Commission Note** (6/19/97). KRS 213.055, which is cited within this statute, was repealed by 1990 Ky. Acts ch. 369, sec. 38, effective July 13, 1990.