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OF KENTUCKY**

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# **SUPPORT** | **Bans Partial Birth Abortion** **SB 40** | **Requires Ultrasound &** **In-Person Informed Consent**

**Senate Bill 40** makes partial birth abortion a state crime; requires a doctor to perform obstetric ultrasound and show them to the patient, though the patient is not required to watch; requires that the woman seeking an abortion be fully informed “in an individual, private setting” and “orally, in person, and not by way of a prerecorded message” about the medical risks of proceeding with the abortion and alternatives to the procedure; she is also to be told the probable age of the fetus. **SB 40** also requires record keeping and includes strong penalties for physicians who violate its provisions.

Sponsored by Senator Jack Westwood and co-sponsored by Charlie. Borders, David Boswell, Carroll Gibson, Brett Guthrie, Ernie. Harris, Dan. Kelly, Vernie. McGaha, Dick Roeding, Danny Seum, Katie Stine, Gary Tapp, Damon Thayer, Elizabeth Tori, and D. Williams, **SB 40** was introduced January 8, 2008 and passed the Senate on February 7, 2008. It is in a House Committee awaiting a hearing with a vote to move it to the House floor for debate and passage.

## **Why Support SB 40**

Human life is a gift from God, sacred and inviolable. Because every human person is created in the image and likeness of God, we have a duty to defend human life from conception until natural death and in every condition. **SB 40** helps fulfill the duty to defend human life.

**Partial Birth Abortion.** On April 18, 2007 in *Gonzales v. Carhart* the United States Supreme Court upheld the right to ban the inhumane partial

birth abortion procedure as contained in the federal law concluding, “... the Act is not void for vagueness, does not impose an undue burden from any overbreadth, and is not invalid on its face.” Kentucky now has an opportunity to ban partial birth abortion as a matter of state law.

**In-Person informed consent.** Before making a medical decision, a person has the right to know the risks and options available.

A woman's access to detailed health related information and life-affirming options to abortion is best provided in-person where questions can be asked and the specific situation of the woman can be considered by a medical professional. Requiring an obstetric ultrasound provides even more information upon which she can base her decision.

This law will better protect the rights of women in the process of making a decision that is not reversible. It may reduce the number of babies being aborted and the post-abortion trauma that we know to be sadly real for some women.

In-person communication with a physician is viewed as critical in many circumstances. The KY Board of Medical Licensure said in its Fall 2004 Newsletter: “*Consumers obtaining prescriptions, medications, and/or medical treatment from Internet web sites without an adequate evaluation by a physician pose an immediate threat to the public health and safety....The Board feels a valid physician/patient relationship cannot be established without an initial face-to-face evaluation by a health care professional.*”