

Kentucky

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



Abortion is banned at every stage of pregnancy — not currently available.

GESTATIONAL LIMIT	Total ban	AVAILABLE	No	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
TELEHEALTH	Not allowed	WAITING PERIOD	24 hours	RAPE / INCEST EXCEPTION	No	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Kentucky enforces a near-total abortion ban from fertilization, with a medical-emergency exception, and the pregnant woman is expressly shielded from prosecution.

Ky. Rev. Stat. Ann. § 311.772(3)(a) · Ky. Rev. Stat. Ann. § 311.772(4) · Cameron v. EMW Women's Surgical Ctr., P.S.C., 664 S.W.3d 633 (Ky. 2023)

☒ Fetal personhood & the internal contradiction

Kentucky's treatment of fetal personhood contains profound internal contradictions. On one hand, the code defines 'human being' as existing from fertilization, 'fetus' as a 'human being from fertilization until birth,' and 'unborn child' as existing 'from conception onward.' Fetal homicide is a capital offense. On the other hand, the same code provides that the pregnant woman who causes the death of her own unborn child — through self-managed abortion, for instance — is immune from prosecution under both the abortion ban and the fetal homicide statute.

Ky. Rev. Stat. Ann. § 507A.010(1)(c) · Ky. Rev. Stat. Ann. § 507A.010(3) · Ky. Rev. Stat. Ann. § 507A.020

MINORS

A minor must obtain the written consent of one parent or legal guardian, or obtain a judicial bypass; the law also requires notice to a parent if possible.

SPOUSAL / PATERNAL RIGHTS

KRS 311.735 requires a physician to notify the husband before performing an abortion on a married woman, if reasonably possible; failure is prima facie evidence in a civil action for interference with family relations.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (abortion provider)	Violation of KRS 311.772 (total ban) — Class D felony; violation of KRS 311.7706 (six-week ban) — Class D felony; violation of KRS 311.782 (15-week ban) — Class D felony; violation of KRS 311.780 (post-viability ban) — Class C felony; violation of KRS 311.765 (partial-birth abortion ban) — Class D felony	Class D felony: 1-5 years imprisonment and fine up to \$10,000; Class C felony: 5-10 years imprisonment; professional license revocation by KBML
Non-physician prescriber (NP, PA, etc.)	Performing abortion without license (KRS 311.750) — Class D felony; prescribing abortion-inducing drugs without certification (KRS 311.7733) — Class D felony	1-5 years imprisonment and fine up to \$10,000; applicable professional license discipline
Pharmacist	Dispensing abortion-inducing drugs outside Certification Program (KRS 311.7734); selling drug with intent to cause abortion (KRS 311.772) — Class D felony	1-5 years imprisonment and fine up to \$10,000; pharmacy license discipline
Any person (general prohibition)	Violation of total ban (KRS 311.772) — Class D felony	1-5 years imprisonment and fine up to \$10,000
Pregnant woman	Expressly exempt — no criminal or civil penalty under KRS 311.772(5), KRS 311.7705(4), KRS 311.787(3), and KRS 507A.010(3)	None under abortion or fetal homicide statutes

Recent changes

- Jan 2026

Attorney General Russell Coleman opens a civil investigation into organizations mailing abortion pills into Kentucky; issues subpoenas to six gas stations in Western Kentucky for displaying Mayday Health abortion-pill advertisements.
- May 2025

Poe v. Coleman is voluntarily dismissed by the plaintiffs; no reason publicly stated. No active litigation challenges the abortion ban.
- Mar 2025

Kentucky General Assembly passes HB 90, the Love Them Both Act of 2025 (2025 Ky. Acts ch.
- Nov 2024

Mary Poe, a pregnant Louisville woman, files a class-action lawsuit (Poe v. Friedlander / Poe v.
- Jun 2023

EMW v. Cameron is dismissed without prejudice by the Jefferson Circuit Court following the Kentucky Supreme Court's standing ruling.
- Feb 2023

Kentucky Supreme Court in Cameron v.
- Nov 2022

Kentucky voters reject Constitutional Amendment 2, which would have added language to the Kentucky Constitution stating that nothing in the constitution secures or protects a right to abortion or requires government funding of abortion.

Pending changes to watch

Potential new patient-led constitutional challenge

Litigation · The ACLU of Kentucky has publicly stated it is seeking pregnant patients to bring a new state constitutional challenge; no new suit has been filed as of July 2025.

A successful challenge under the Kentucky Constitution's privacy and liberty provisions (Sections 1, 2, and 3) could enjoin or narrow the total ban; the Kentucky Supreme Court has not reached the merits of the constitutional question.

HB 759 / HB 831 (2026 session): Abortion exceptions bills

Legislation · HB 759 (later renumbered) filed in the 2026 Regular Session; would add exceptions for rape, incest (up to 22 weeks), and lethal fetal anomaly; pending committee review.

Would add statutory exceptions for rape, incest, and lethal fetal anomaly to Kentucky's total ban, partially narrowing its scope, though a 22-week limit for rape/incest exceptions would still leave a highly restrictive regime.

Abortion pill as Schedule IV controlled substance (HB 316, 2025 session; successor bills possible)

Legislation · HB 316 (2025) died in committee; similar legislation may be reintroduced in later sessions.

Would classify mifepristone and misoprostol as Schedule IV controlled substances, making unauthorized distribution a felony under Kentucky's controlled-substances laws, independent of the abortion ban.

Key authorities

Human Life Protection Act (Trigger Ban) Ky. Rev. Stat. Ann. § 311.772

This is Kentucky's near-total abortion ban from fertilization; the primary operative statute, effective June 24, 2022, with the Dobbs decision; carries Class D felony penalty and exempts the pregnant woman.

Six-Week (Heartbeat) Ban Ky. Rev. Stat. Ann. §§ 311.7701-311.7711

Prohibits abortion after detection of fetal cardiac activity (approximately 6 weeks); subsumed by the total ban but independently operative and contains civil remedy provisions.

Medical Emergency Provisions (2025 Love Them Both Act) Ky. Rev. Stat. Ann. § 311.723 (as amended by 2025 Ky. Acts ch. 121)

The most up-to-date enumeration of medical circumstances in which separating a pregnant woman from her unborn child is permitted; added explicit ectopic, miscarriage, sepsis, molar pregnancy, and fetal-demise provisions in March 2025.

Abortion Definitions and Personhood Ky. Rev. Stat. Ann. § 311.720

Defines 'abortion,' 'human being' (from fertilization), 'fetus' (human being from fertilization), 'unborn child,' and 'viability'; determines the scope of all abortion restrictions.

Fetal Homicide Act Ky. Rev. Stat. Ann. §§ 507A.010-507A.040

Criminalizes killing an unborn child from conception; first-degree fetal homicide is a capital offense; exempts the pregnant woman and lawful abortions.

Generated from the structured legal focused deep-research record for KY (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full Kentucky survey. This document has not been reviewed by a lawyer and should not be used as legal advice.