

Should There Be Exceptions to Kentucky's Abortion Ban?

Addressing Pro-Abortion Objections

"Abortion Is Personal Reproductive Freedom"

- Abortion has nothing to do with reproducing. It has everything to do with subtracting a human life.
- Abortion ends an innocent human life and violates the sanctity of human life. Rape and incest are tragic situations, and these situations require prudential wisdom about ethics and public policy. But we must never lose sight of the personhood of the unborn child. All human beings are made in the image of God. Our nation's laws recognize that government must protect our natural right to life.
- "My body, my choice" is a fallacy since there's another life involved. There are two persons at issue here—the mother and the unborn child—and we must respect the lives of both.¹
- Think of Brittany Bogard, whom CPC featured in a recent TV ad. She was conceived in rape, but her mother decided against abortion because she knew that Brittany was a person with dignity and a right to life.²

"Abortion Is Healthcare"

- Abortion is not "healthcare." One 2022 study demonstrated that 95% of abortions involve a healthy mother and healthy child.³ Abortion also doesn't lower the mortality rate for mothers.
- Attorney General Daniel Cameron has stated: "KRS 311.772(6) provides that the Act does not prohibit the proper use of contraceptives to prevent pregnancy or before a pregnancy can be determined through conventional medical testing."⁴ The Morning After Pill has been classified by the FDA as "emergency contraception"⁵ and is therefore not illegal in Kentucky under the Trigger Law. Articles from WDRB⁶ and LEX 18⁷ both interpret Cameron's guidance to cover Plan B/the Morning After Pill.⁸

False Accusations by Pro-abortionists

Women Having a Miscarriage Will Not Receive Care

- Attorney General Daniel Cameron stated: "[KRS 311.772] (Kentucky's "Trigger Law") has no application when a pregnant mother suffers a miscarriage. Nor does it prohibit medical treatment to help a mother in this circumstance."

Women Whose Babies Die in Utero Will Not Receive Care

- KRS 311.772 defines abortion as the "intentional termination of life of an unborn human being." In section (1)(c), unborn human being is defined as "an individual living member of the species homo sapiens..." Further, section (4)(b) makes clear that doctors who give

treatment to a mother that “results in the accidental or unintentional injury or death to the unborn human being” are not in violation of this law.

Women Whose Lives Are at Risk Will Not Receive Care

- KRS 311.772(4)(a) clearly includes an exception to abortion restrictions to save a mother’s life.

Pre-teen Girls Would be Forced to Carry the Child of Their Rapist

- It has been suggested, particularly by Ohio Attorney General David Yost, that their underdeveloped bodies cannot sustain a pregnancy without threatening their lives (a situation covered by the existing exception to save the mother’s life).⁹

The Consequences of Exceptions

How Could Exceptions Be Enforced?

- Even if these exceptions for rape and incest were passed, there’s little recourse against fraudulent claims. For example, Missouri is considering passing these exceptions, and many are lobbying against mandatory reporting for rape cases in which abortion is allowed.¹⁰
- Without mandatory reporting, there’s no way to be sure that cases of rape to secure abortions won’t be fabricated.

The Political Consequences of Rape or Incest Exceptions

- Kentucky is one of 14 states to completely ban abortion. By passing new exceptions which weaken our strong law, we are giving in to pro-abortion extremists. This will open the door for future pro-abortion legislation in Kentucky.

The Bottom Line

1. Abortion does not heal sexual trauma.
2. True compassion provides alternative solutions to abortion exceptions for rape and incest such as financial assistance, stricter penalties for rape and incest convictions, and adoption resources for the mother.
3. Pro-Life protections for the unborn have created a culture of life, and Kentucky women need additional resources and options to continue necessary healing process through sexual trauma.
4. Since abortion has been banned, Kentucky’s birth rate has increased by 3.4%.¹¹ These are real human beings with real faces and real futures in front of them.
5. Since human life begins at conception, it is a life that should be protected by law, regardless of how that life was conceived.

Policy Proposals to Support and Protect Mothers and Children

1. Increased penalties for those convicted of rape and sexual assault.
2. A Social Security check (like child support) for mothers whose children are conceived in rape that leads to conviction.

3. Free Medicaid (including counseling services) for the mother and child (until age 18).
4. Free education and daycare for child from six weeks until collegiate studies.
5. SNAP Benefits for the mother and child (until age 18).
6. Benefits would begin when an arrest is made. If fraudulent, benefits would be paid back to the state.
7. Prioritization, economizing, and streamlining of adoption for children conceived in rape or incest.
8. Advertising the large number of married couples waiting to adopt a newborn child, showing the need for children.
9. Funding for the increase of pro-life mother's care facilities dedicated to minors who need to be removed from their current home. This can be accomplished in the form of tax credits or state funding.

¹ Melissa Moschella, "The Ethics of Abortion: Clarifying Misconceptions," Public Discourse, July 4, 2022, <https://www.thepublicdiscourse.com/2022/07/83173/>.

² "Standing Up for Life," Commonwealth Policy Center, October 30, 2023, YouTube video, 0:29, <https://www.youtube.com/watch?v=TajRZh2RVuk>.

³ Moschella, "The Ethics of Abortion."

⁴ "Attorney General Advisory: The effect and scope of the Human Life Protection Act in light of Dobbs v. Jackson Women's Health Organization," <https://www.ag.ky.gov/Press%20Release%20Attachments/Human%20Life%20Protection%20Act%20Advisory.pdf>.

⁵ "Plan B One-Step (1.5 mg levonorgestrel) Information," FDA, December 23, 2022, <https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/plan-b-one-step-15-mg-levonorgestrel-information>.

⁶ "Abortion 'over' in Kentucky after Supreme Court decision, AG Daniel Cameron says," WDRB, June 24, 2022, https://www.wdrb.com/news/politics/abortion-over-in-kentucky-after-supreme-court-decision-ag-daniel-cameron-says/article_494cf06e-f3dd-11ec-be5c-eb010f3fff8.html.

⁷ "Abortion pill vs. Plan B pill: What's the difference?" LEX 18, June 26, 2022, <https://www.lex18.com/news/abortion-pill-vs-plan-b-pill-whats-the-difference>.

⁸ "[Plan B] may prevent or delay ovulation. The drug works by stopping the release of an egg from your ovary. It may prevent sperm from fertilizing the egg. If fertilization does occur, it may prevent the fertilized egg from attaching to the womb," Annie Stuart, "Levonorgestrel Emergency Contraception: Plan B," WebMD, March 12, 2023. <https://www.webmd.com/sex/birth-control/plan-b>.

⁹ "Fact Check: Could Pregnant 10-Year-Old Girl Get an Abortion in Ohio," Newsweek, July 15, 2022, <https://www.newsweek.com/fact-check-could-pregnant-10-year-old-girl-get-abortion-ohio-1725114>.

¹⁰ Anna Sporre, "Missouri rape hotline reporting requirement in abortion-rights petition draws criticism," Missouri Independent, November 27, 2023, <https://missouriindependent.com/2023/11/27/missouri-rape-hotline-reporting-requirement-in-abortion-rights-petition-draws-criticism/>.

¹¹ Morgan Watkins, "New research analyzes how abortion bans in Kentucky and Midwestern states affected birth rates," Louisville Public Media, January 4, 2024, <https://www.lpm.org/news/2024-01-02/new-research-analyzes-how-abortion-bans-in-kentucky-and-midwestern-states-affected-birth-rates#>.