

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 13

By: Silk, Dahm, Scott and
Murdock

COMMITTEE SUBSTITUTE

An Act relating to abortion; providing short title; granting certain protections to unborn children; amending 12 O.S. 2011, Section 1053, which relates to wrongful death; modifying statutory reference; modifying applicability of section; requiring Attorney General to ensure enforcement of certain laws; amending 21 O.S. 2011, Section 652, which relates to attempts to kill; modifying statutory references; modifying applicability of section; removing certain protection from prosecution; amending 21 O.S. 2011, Section 691, which relates to the definition of homicide; modifying and adding definitions; modifying certain protection from prosecution; amending Section 4, Chapter 238, O.S.L. 2014, as amended by Section 1, Chapter 50, O.S.L. 2016 (25 O.S. Supp. 2018, Section 2004), which relates to medical consent for treatment of minors; modifying applicability of section; amending 56 O.S. 2011, Section 1005, which relates to unlawful acts; modifying construction; amending 59 O.S. 2011, Section 519.11, as amended by Section 5, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2018, Section 519.11), which relates to construction of the Physician Assistant Act; removing authority of physicians to perform certain acts; amending 63 O.S. 2011, Section 1-568, which relates to counseling concerning abortion; removing certain cause of action; amending 63 O.S. 2011, Section 1-701, which relates to definitions; modifying certain definition; amending 63 O.S. 2011, Section 1-728c, which relates to employer discrimination; removing certain circumstance under which discrimination is prohibited; specifying certain powers and duties of the state under the United States Constitution; amending 63 O.S. 2011, Section 2601,

1 which relates to definitions; modifying certain
2 definition; requiring the Attorney General to monitor
3 enforcement of certain laws and direct state agencies
4 to enforce such laws regardless of conflicting laws;
5 amending 74 O.S. 2011, Section 5054, which relates to
6 limits on use of funds; modifying statutory reference;
7 repealing 63 O.S. 2011, Sections 1-729a, as amended by
8 Section 1, Chapter 121, O.S.L. 2014 (63 O.S. Supp.
9 2018, Section 1-729a), 1-731, 1-731.2 through 1-737,
10 1-737.4, as amended by Section 1, Chapter 123, O.S.L.
11 2017 (63 O.S. Supp. 2018, Section 1-737.4), 1-737.5,
12 1-737.6, 1-738i, 1-738j, 1-738k, as amended by Section
13 1, Chapter 303, O.S.L. 2013 (63 O.S. Supp. 2018,
14 Section 1-738k), 1-738l, 1-738m, as amended by Section
15 6, Chapter 255, O.S.L. 2015 (63 O.S. Supp. 2018,
16 Section 1-738m), 1-738n, as amended by Section 3,
17 Chapter 303, O.S.L. 2013 (63 O.S. Supp. 2018, Section
18 1-738n), 1-738o, 1-738p, 1-738.1A, 1-738.2 through 1-
19 738.3a, as amended by Sections 1 through 3, Chapter
20 255, O.S.L. 2015 (63 O.S. Supp. 2018, Sections 1-738.2
21 through 1-738.3a), 1-738.3d, 1-738.3e, 1-738.5, 1-
22 738.6, 1-738.7, 1-738.8, as amended by Section 4,
23 Chapter 255, O.S.L. 2015 (63 O.S. Supp. 2018, Section
24 1-738.8), 1-738.9 through 1-738.12, 1-738.13, as
amended by Section 5, Chapter 255, O.S.L. 2015 (63
O.S. Supp. 2018, Section 1-738.13), 1-738.14 through
1-740.1, 1-740.2, 1-740.3 and 1-740.4, as amended by
Sections 2, 3 and 4, Chapter 320, O.S.L. 2013 (63 O.S.
Supp. 2018, Sections 1-740.2, 1-740.3 and 1-740.4), 1-
740.4a, 1-740.4b, as amended by Section 1, Chapter
386, O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-
740.4b), 1-740.5 through 1-740.11, 1-740.12, as
amended by Section 485, Chapter 304, O.S.L. 2012 (63
O.S. Supp. 2018, Section 740.12), 1-741 through 1-743,
and 1-745.1 through 1-745.11, which relate to
abortion; repealing Sections 1 through 7, Chapter 170,
O.S.L. 2012 (63 O.S. Supp. 2018, Sections 1-729.1
through 1-729.7), which relate to the Freedom of
Conscience Act; repealing Sections 1 through 9,
Chapter 159, O.S.L. 2012 (63 O.S. Supp. 2018, Sections
1-745.12 through 1-745.19), which relate to the
Heartbeat Informed Consent Act; repealing Section 4,
Chapter 303, O.S.L. 2013 (63 O.S. Supp. 2018, Section
1-738q), which relates to the Statistical Reporting of
Abortion Act; repealing Sections 1 through 6, Chapter
198, O.S.L. 2012 (63 O.S. Supp. 2018, Sections 1-
738.3f through 1-738.3k), which relate to voluntary

1 and informed consent; repealing Sections 2, 4 and 5,
2 Chapter 268, O.S.L. 2013 (63 O.S. Supp. 2018, Sections
3 1-740.2A, 1-740.13 and 1-740.14), which relate to
4 abortion performed upon minors; repealing Sections 1
5 and 5 through 10, Chapter 320, O.S.L. 2013 (63 O.S.
6 Supp. 2018, Sections 1-744 through 1-744.6), which
7 relate to the Parental Notification for Abortion Act;
8 repealing Sections 1, 3 through 5 and 7 through 10,
9 Chapter 175, O.S.L. 2014 (63 O.S. Supp. 2018, Sections
10 1-746.1, 1-746.3 through 1-746.5 and 1-746.7 through
11 1-746.10), which relate to abortions; repealing
12 Sections 2 and 6, Chapter 175, O.S.L. 2014, as amended
13 by Sections 7 and 8, Chapter 255, O.S.L. 2015 (63 O.S.
14 Supp. 2018, Sections 1-746.2 and 1-746.6), which
15 relate to abortions; repealing Section 1, Chapter 370,
16 O.S.L. 2014 (63 O.S. Supp. 2018, Section 1-748), which
17 relates to abortion facilities; repealing Sections 1
18 through 10, Chapter 59, O.S.L. 2015 (63 O.S. Supp.
19 2018, Sections 1-737.7 through 1-737.16), which relate
20 to the Oklahoma Unborn Child Protection from
21 Dismemberment Act; repealing Section 9, Chapter 255,
22 O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-738.5a),
23 which relates to performing or attempting an abortion
24 in violation of act; repealing Sections 2 through 4,
Chapter 386, O.S.L. 2015 (63 O.S. Supp. 2018, Sections
1-749 through 1-750), which relate to abortion
procedure compliance requirements; repealing Sections
1 and 3 through 5, Chapter 353, O.S.L. 2016 (63 O.S.
Supp. 2018, Sections 1-751 and 1-753 through 1-755),
which relate to the Humanity of the Unborn Child Act;
repealing Section 2, Chapter 353, O.S.L. 2016, as
amended by Section 2, Chapter 123, O.S.L. 2017 (63
O.S. Supp. 2018, Section 1-752), which relates to the
Humanity of the Unborn Child Act; repealing Sections 1
through 5, Chapter 308, O.S.L. 2017 (63 O.S. Supp.
2018, Sections 1-740.15 through 1-740.19), which
relate to the Choosing Childbirth Act; voiding
conflicting provisions of law; allowing the state and
political subdivisions to nullify certain court
decisions; construing act; declaring act inseverable;
providing for codification; providing for
noncodification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION .. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Abolition of
4 Abortion in Oklahoma Act".

5 SECTION .. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 Unborn children in this state shall receive the equal protection
8 of the laws of this state and of the United States Constitution; to
9 establish that a living human child, from the moment of fertilization
10 upon the fusion of a human spermatozoon with a human ovum, is
11 entitled to the same rights, powers, privileges, justice and
12 protections as are secured or granted by the laws of this state to
13 any other human person; and to treat as void and of no effect any and
14 all federal statutes, regulations, executive orders and court
15 rulings, which would deprive an unborn child of the right to life.

16 SECTION .. AMENDATORY 12 O.S. 2011, Section 1053, is
17 amended to read as follows:

18 Section 1053. A. When the death of one is caused by the
19 wrongful act or omission of another, the personal representative of
20 the former may maintain an action therefor against the latter, or his
21 or her personal representative if he or she is also deceased, if the
22 former might have maintained an action, had he or she lived, against
23 the latter, or his or her representative, for an injury for the same
24 act or omission. The action must be commenced within two (2) years.

1 B. 1. The damages recoverable in actions for wrongful death as
2 provided in this section shall include the following: Medical and
3 burial expenses, which shall be distributed to the person or
4 governmental agency as defined in Section 5051.1 of Title 63 of the
5 Oklahoma Statutes who paid these expenses, or to the decedent's
6 estate if paid by the estate.

7 2. The loss of consortium and the grief of the surviving spouse,
8 which shall be distributed to the surviving spouse.

9 The mental pain and anguish suffered by the decedent, which shall
10 be distributed to the surviving spouse and children, if any, or next
11 of kin in the same proportion as personal property of the decedent.

12 3. The pecuniary loss to the survivors based upon properly
13 admissible evidence with regard thereto including, but not limited
14 to, the age, occupation, earning capacity, health habits, and
15 probable duration of the decedent's life, which must inure to the
16 exclusive benefit of the surviving spouse and children, if any, or
17 next of kin, and shall be distributed to them according to their
18 pecuniary loss.

19 4. The grief and loss of companionship of the children and
20 parents of the decedent, which shall be distributed to them according
21 to their grief and loss of companionship.

22 C. In proper cases, as provided by Section 9.1 of Title 23 of
23 the Oklahoma Statutes, punitive or exemplary damages may also be
24 recovered against the person proximately causing the wrongful death

1 or the person's representative if such person is deceased. Such
2 damages, if recovered, shall be distributed to the surviving spouse
3 and children, if any, or next of kin in the same proportion as
4 personal property of the decedent.

5 D. Where the recovery is to be distributed according to a
6 person's pecuniary loss or loss of companionship, the judge shall
7 determine the proper division.

8 E. The above-mentioned distributions shall be made after the
9 payment of legal expenses and costs of the action.

10 F. 1. The provisions of this section shall also be available
11 for the death of an unborn child as defined in Section ~~1-730~~ 691 of
12 Title ~~63~~ 21 of the Oklahoma Statutes.

13 2. ~~The provisions of this subsection shall not apply to:~~

14 a. ~~acts which cause the death of an unborn child if those~~
15 ~~acts were committed during a legal abortion to which~~
16 ~~the pregnant woman consented, or~~

17 b. ~~acts which are committed pursuant to the usual and~~
18 ~~customary standards of medical practice during~~
19 ~~diagnostic testing or therapeutic treatment.~~

20 ~~3.~~ Under no circumstances shall the mother of the unborn child
21 be found liable for causing the death of the unborn child unless the
22 mother has committed a crime that caused the death of the unborn
23 child.

24

1 SECTION .. NEW LAW A new section of law to be codified in
2 the Oklahoma Statutes as Section 215.41 of Title 19, unless there is
3 created a duplication in numbering, reads as follows:

4 The Attorney General shall ensure the enforcement of Chapter 24
5 of Title 21 of the Oklahoma Statutes in relation to abortion
6 regardless of any contrary or conflicting federal statutes,
7 regulations, executive orders, or court decisions.

8 SECTION .. AMENDATORY 21 O.S. 2011, Section 652, is
9 amended to read as follows:

10 Section 652. A. Every person who intentionally and wrongfully
11 shoots another with or discharges any kind of firearm, with intent to
12 kill any person, including an unborn child as defined in Section ~~1-~~
13 ~~730~~ 691 of ~~Title 63 of the Oklahoma Statutes~~ this title, shall upon
14 conviction be guilty of a felony punishable by imprisonment in the
15 State Penitentiary not exceeding life.

16 B. Every person who uses any vehicle to facilitate the
17 intentional discharge of any kind of firearm, crossbow or other
18 weapon in conscious disregard for the safety of any other person or
19 persons, including an unborn child as defined in ~~Section 1-730~~ 691 of
20 ~~Title 63 of the Oklahoma Statutes~~ this title, shall upon conviction
21 be guilty of a felony punishable by imprisonment in the custody of
22 the Department of Corrections for a term not less than two (2) years
23 nor exceeding life.

24

1 C. Any person who commits any assault and battery upon another,
2 including an unborn child as defined in Section ~~1-730~~ 691 of Title ~~63~~
3 ~~of the Oklahoma Statutes~~ this title, by means of any deadly weapon,
4 or by such other means or force as is likely to produce death, or in
5 any manner attempts to kill another, including an unborn child as
6 defined in Section 1-730 of Title 63 of the Oklahoma Statutes, or in
7 resisting the execution of any legal process, shall upon conviction
8 be guilty of a felony punishable by imprisonment in the State
9 Penitentiary not exceeding life.

10 ~~D. The provisions of this section shall not apply to:~~

11 ~~1. Acts which cause the death of an unborn child if those acts~~
12 ~~were committed during a legal abortion to which the pregnant woman~~
13 ~~consented; or~~

14 ~~2. Acts which are committed pursuant to usual and customary~~
15 ~~standards of medical practice during diagnostic testing or~~
16 ~~therapeutic treatment.~~

17 ~~E. Under no circumstances shall the mother of the unborn child~~
18 ~~be prosecuted for causing the death of the unborn child unless the~~
19 ~~mother has committed a crime that caused the death of the unborn~~
20 ~~child.~~

21 SECTION .. AMENDATORY 21 O.S. 2011, Section 691, is
22 amended to read as follows:

23 Section 691. A. Homicide is the killing of one human being by
24 another.

1 B. As used in this section, "human being":

2 1. "Human being" includes an unborn child, as defined in Section
3 1-730 of Title 63 of the Oklahoma Statutes this section;

4 2. "Abortion" means the act of using or prescribing an
5 instrument, drug, medicine or any other substance, device or means
6 with the intent to cause the death of an unborn child, but shall not
7 include instances in which a fetus died by natural causes;

8 3. "Unborn child" means the unborn offspring of human beings
9 from the moment of fertilization, through pregnancy, and until live
10 birth, including the developmental stages of human conceptus, zygote,
11 morula, blastocyst, embryo and fetus; and

12 4. "Fertilization" means the fusion of a human spermatozoon with
13 a human ovum.

14 C. Homicide shall ~~not~~ include:

15 1. Acts, but not be limited to, acts which cause the death of an
16 unborn child if these acts were committed during a legal an abortion
17 to which the pregnant woman consented; or

18 2. Acts which are committed pursuant to the usual and customary
19 standards of medical practice during diagnostic testing or
20 therapeutic treatment.

21 D. ~~Under no circumstances shall the mother of the unborn child~~
22 ~~be prosecuted for causing the death of the unborn child unless the~~
23 ~~mother has committed a crime that caused the death of the unborn~~
24 ~~child~~

1 A physician or other health care professional shall be immune
2 from criminal or civil liability for the death of a fetus resulting
3 from an emergency, including but not limited to an ectopic or tubal
4 pregnancy, if the physician or professional exhausts all possible
5 treatments to preserve the life of the fetus.

6 SECTION .. AMENDATORY Section 4, Chapter 238, O.S.L.
7 2014, as amended by Section 1, Chapter 50, O.S.L. 2016 (25 O.S. Supp.
8 2018, Section 2004), is amended to read as follows:

9 Section 2004. A. Except as otherwise provided by law, no
10 person, corporation, association, organization, state-supported
11 institution, or individual employed by any of these entities may
12 procure, solicit to perform, arrange for the performance of, perform
13 surgical procedures, or perform a physical examination upon a minor
14 or prescribe any prescription drugs to a minor without first
15 obtaining a written consent of a parent or legal guardian of the
16 minor.

17 B. Except as otherwise provided by law, no hospital as defined
18 in Section 1-701 of Title 63 of the Oklahoma Statutes may permit
19 surgical procedures to be performed upon a minor in its facilities
20 without first having received a written consent from a parent or
21 legal guardian of the minor.

22 C. The provisions of this section shall not apply when it has
23 been determined by a physician that an emergency exists and that it
24 is necessary to perform such surgical procedures for the treatment of

1 an injury, illness or drug abuse, or to save the life of the patient,
2 or when such parent or other adult authorized by law to consent on
3 behalf of a minor cannot be located or contacted after a reasonably
4 diligent effort.

5 D. ~~The provisions of this section shall not apply to an~~
6 ~~abortion, which shall be governed by the provisions of Sections 1-740~~
7 ~~through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63 of the~~
8 ~~Oklahoma Statutes or any successor statute.~~

9 ~~E.~~ A person who violates a provision of this section is guilty
10 of a misdemeanor, punishable by a fine of not more than One Thousand
11 Dollars (\$1,000.00) or imprisonment of not more than one (1) year in
12 the county jail, or by both such fine and imprisonment.

13 SECTION .. AMENDATORY 56 O.S. 2011, Section 1005, is
14 amended to read as follows:

15 Section 1005. A. It shall be unlawful for any person to
16 willfully and knowingly:

17 1. Make or cause to be made a claim, knowing the claim to be
18 false, in whole or in part, by commission or omission;

19 2. Make or cause to be made a statement or representation for
20 use in obtaining or seeking to obtain authorization to provide a good
21 or a service knowing the statement or representation to be false, in
22 whole or in part, by commission or omission;

23 3. Make or cause to be made a statement or representation for
24 use by another in obtaining a good or a service under the Oklahoma

1 Medicaid Program, knowing the statement or representation to be
2 false, in whole or in part, by commission or omission;

3 4. Make or cause to be made a statement or representation for
4 use in qualifying as a provider of a good or a service under the
5 Oklahoma Medicaid Program, knowing the statement or representation to
6 be false, in whole or in part, by commission or omission;

7 5. Charge any recipient or person acting on behalf of a
8 recipient, money or other consideration in addition to or in excess
9 of rates of remuneration established under the Oklahoma Medicaid
10 Program;

11 6. Solicit or accept a benefit, pecuniary benefit, or kickback
12 in connection with goods or services paid or claimed by a provider to
13 be payable by the Oklahoma Medicaid Program; or

14 7. Having submitted a claim for or received payment for a good
15 or a service under the Oklahoma Medicaid Program, fail to maintain or
16 destroy such records as required by law or the rules of the Oklahoma
17 Health Care Authority for a period of at least six (6) years
18 following the date on which payment was received.

19 B. For the purposes of this section, a person shall be deemed to
20 have made or caused to be made a claim, statement, or representation
21 if the person:

22 1. Had the authority or responsibility to make the claim,
23 statement, or representation, to supervise those who made the claim,
24 statement, or representation, or to authorize the making of the

1 claim, statement, or representation, whether by operation of law,
2 business or professional practice, or office procedure; and

3 2. Exercised such authority or responsibility or failed to
4 exercise such authority or responsibility and as a direct or indirect
5 result, the false statement was made.

6 C. The provisions of this section shall not be construed to
7 prohibit any payment, business arrangement or payment practice not
8 prohibited by 42 U.S.C., Section 1320a-7b(b) or any regulations
9 promulgated pursuant thereto ~~or to prohibit any payment, business~~
10 ~~arrangement or payment practice not prohibited by Section 1-742 of~~
11 ~~Title 63 of the Oklahoma Statutes.~~

12 D. For the purposes of this section, a person shall be deemed to
13 have known that a claim, statement, or representation was false if
14 the person knew, or by virtue of the person's position, authority or
15 responsibility, had reason to know, of the falsity of the claim,
16 statement or representation.

17 E. Any employee of the State Department of Health, the
18 Department of Human Services or the Oklahoma Health Care Authority
19 who knowingly or willfully fails to promptly report a violation of
20 the Oklahoma Medicaid Program, subject to the provisions of this
21 section, to the chief administrative officer of such agency or the
22 State Attorney General shall, upon conviction thereof, be guilty of a
23 misdemeanor.

24

1 SECTION .. AMENDATORY 59 O.S. 2011, Section 519.11, as
2 amended by Section 5, Chapter 163, O.S.L. 2015 (59 O.S. Supp. 2018,
3 Section 519.11), is amended to read as follows:

4 Section 519.11. A. Nothing in the Physician Assistant Act shall
5 be construed to prevent or restrict the practice, services or
6 activities of any persons of other licensed professions or personnel
7 supervised by licensed professions in this state from performing work
8 incidental to the practice of their profession or occupation, if that
9 person does not represent himself as a physician assistant.

10 B. Nothing stated in the Physician Assistant Act shall prevent
11 any hospital from requiring the physician assistant and/or the
12 supervising physician to meet and maintain certain staff appointment
13 and ~~credentialing~~ credentialing qualifications for the privilege of
14 practicing as, or utilizing, a physician assistant in the hospital.

15 C. Nothing in the Physician Assistant Act shall be construed to
16 permit a physician assistant to practice medicine or prescribe drugs
17 and medical supplies in this state except when such actions are
18 performed under the supervision and at the direction of a physician
19 approved by the State Board of Medical Licensure and Supervision.

20 D. Nothing herein shall be construed to require licensure under
21 this act of a physician assistant student enrolled in a physician
22 assistant educational program accredited by the Accreditation Review
23 Commission on Education for the Physician Assistant.

24

1 ~~E. Notwithstanding any other provision of law, no one who is not~~
2 ~~a physician licensed to practice medicine in the state of Oklahoma~~
3 ~~may perform acts restricted to such physicians pursuant to the~~
4 ~~provisions of Section 1-731 of Title 63 of the Oklahoma Statutes.~~

5 SECTION .. AMENDATORY 63 O.S. 2011, Section 1-568, is
6 amended to read as follows:

7 Section 1-568. A. Nothing in the Genetic Counseling Licensure
8 Act may be construed to require any genetic counselor or other person
9 to mention, discuss, suggest, propose, recommend, or refer for,
10 abortion, or to agree or indicate a willingness to do so, nor shall
11 licensing of any genetic counselor be contingent upon acceptance of
12 abortion as a treatment option for any genetic or other prenatal
13 disease, anomaly, or disability.

14 B. If the State Board of Health determines that accreditation of
15 genetic counseling training programs by the American Board of Genetic
16 Counseling or of medical genetics training programs by the American
17 Board of Medical Genetics is dependent on criteria, or applied in a
18 manner, incompatible with the provisions of subsection A of this
19 section, it shall establish or recognize and apply criteria for
20 accreditation of alternative genetic counseling training programs or
21 medical genetics training programs compatible with the provisions of
22 subsection A of this section and any genetic counseling training
23 programs or medical genetics training programs accredited thereunder
24

1 shall be deemed accredited for the purposes of paragraph 3 of
2 subsection A of Section 4 of this act.

3 C. If the State Board of Health determines that the examination
4 required for certification as a genetic counselor by the American
5 Board of Genetic Counseling or the American Board of Medical Genetics
6 or as a medical geneticist by the American Board of Medical Genetics
7 is incompatible with the provisions of subsection A of this section,
8 it shall establish or recognize an alternative examination compatible
9 with the provisions of that subsection and an individual who passes
10 such an examination shall be deemed to meet the relevant requirements
11 of paragraph 4 of subsection A of Section 4 of this act.

12 D. The State Board of Health shall by rule waive such other
13 provisions of the Genetic Counseling Licensure Act and provide for
14 appropriate substitute requirements as it determines necessary to
15 ensure compliance with subsection A of this section.

16 E. There shall be no cause of action against any person for
17 failure to mention, discuss, suggest, propose, recommend, or refer
18 for, abortion, ~~unless the abortion is necessary to prevent the death~~
19 ~~of the mother.~~

20 F. This section shall not be severable from the Genetic
21 Counseling Licensure Act.

22 SECTION .. AMENDATORY 63 O.S. 2011, Section 1-701, is
23 amended to read as follows:

24 Section 1-701. For the purposes of this article:

1 1. "Hospital" means any institution, place, building or agency,
2 public or private, whether organized for profit or not, devoted
3 primarily to the maintenance and operation of facilities for the
4 diagnosis, treatment or care of patients admitted for overnight stay
5 or longer in order to obtain medical care, surgical care, obstetrical
6 care, or nursing care for illness, disease, injury, infirmity, or
7 deformity. Except as otherwise provided by paragraph 5 of this
8 subsection, places where pregnant females are admitted and receive
9 care incident to pregnancy, ~~abortion~~ or delivery shall be considered
10 to be a "hospital" within the meaning of this article, regardless of
11 the number of patients received or the duration of their stay. The
12 term "hospital" includes general medical surgical hospitals,
13 specialized hospitals, critical access and emergency hospitals, and
14 birthing centers;

15 2. "General medical surgical hospital" means a hospital
16 maintained for the purpose of providing hospital care in a broad
17 category of illness and injury;

18 3. "Specialized hospital" means a hospital maintained for the
19 purpose of providing hospital care in a certain category, or
20 categories, of illness and injury;

21 4. "Critical access hospital" means a hospital determined by the
22 State Department of Health to be a necessary provider of health care
23 services to residents of a rural community;

24

1 5. "Emergency hospital" means a hospital that provides emergency
2 treatment and stabilization services on a 24-hour basis that has the
3 ability to admit and treat patients for short periods of time;

4 6. "Birthing center" means any facility, place or institution,
5 which is maintained or established primarily for the purpose of
6 providing services of a certified midwife or licensed medical doctor
7 to assist or attend a woman in delivery and birth, and where a woman
8 is scheduled in advance to give birth following a normal,
9 uncomplicated, low-risk pregnancy. Provided, however, licensure for
10 a birthing center shall not be compulsory; and

11 7. "Day treatment program" means nonresidential, partial
12 hospitalization programs, day treatment programs, and day hospital
13 programs as defined by subsection A of Section 175.20 of Title 10 of
14 the Oklahoma Statutes.

15 SECTION .. AMENDATORY 63 O.S. 2011, Section 1-728c, is
16 amended to read as follows:

17 Section 1-728c. An employer shall not discriminate against an
18 employee or prospective employee by refusing to reasonably
19 accommodate the religious observance or practice of the employee or
20 prospective employee, ~~unless the employer can demonstrate that the~~
21 ~~accommodation would pose an undue hardship on the program,~~
22 ~~enterprise, or business of the employer,~~ in the following
23 circumstances:

24

1. ~~An abortion as defined in Section 1-730 of Title 63 of the Oklahoma Statutes. The provisions of this section shall not apply if the pregnant woman suffers from a physical disorder, physical injury, or physical illness which, as certified by a physician, causes the woman to be in imminent danger of death unless an abortion is immediately performed or induced and there are no other competent personnel available to attend to the woman. As used in this act, the term "abortion" shall not include the prescription of contraceptives;~~

~~2.~~ An experiment or medical procedure that destroys an in vitro human embryo or uses cells or tissue derived from the destruction of an in vitro human embryo;

~~3.~~ 2. An experiment or medical procedure on an in vitro human embryo that is not related to the beneficial treatment of the in vitro human embryo;

~~4.~~ 3. An experiment or medical procedure on a developing child in an artificial womb, at any stage of development, that is not related to the beneficial treatment of the developing child;

~~5.~~ 4. A procedure, including a transplant procedure, that uses fetal tissue or organs that come from a source other than a stillbirth or miscarriage; or

~~6.~~ 5. An act that intentionally causes or assists in causing the death of an individual by assisted suicide, euthanasia, or mercy killing.

1 SECTION .. NEW LAW A new section of law to be codified in
2 the Oklahoma Statutes as Section 1-756 of Title 63, unless there is
3 created a duplication in numbering, reads as follows:

4 Pursuant to Amendment V of the United States Constitution, the
5 State of Oklahoma shall protect the life, liberty and property of all
6 human life within its boundaries. This state is granted such powers
7 through Article X of the United States Constitution as a reserved
8 power. As abortion is not a reserved power in the United States
9 Constitution, the sovereign State of Oklahoma shall protect all human
10 life from conception to natural death. As provided in Amendment XIV
11 of the United States Constitution, a citizen is naturalized at the
12 moment of conception, and unborn humans are hereby from the moment of
13 conception naturalized by the State of Oklahoma through the equal
14 protection and due process provisions of Amendment XIV of the United
15 States Constitution. Unborn children's lives shall be protected
16 equally by the sovereign State of Oklahoma, and such unborn children
17 shall reserve all rights as citizens of the sovereign State of
18 Oklahoma. Under powers reserved to the states pursuant to Article X
19 of the United States Constitution, no individual or organization
20 shall be allowed to perform an abortion of a human being in the State
21 of Oklahoma. As used in this section, "naturalization" means the
22 quality of being brought into conformity with nature.

23 SECTION .. AMENDATORY 63 O.S. 2011, Section 2601, is
24 amended to read as follows:

1 Section 2601. For the purposes of this act, the following words
2 and phrases mean:

3 (a) "Minor" means any person under the age of eighteen (18)
4 years of age, except such person who is on active duty with or has
5 served in any branch of the Armed Services of the United States shall
6 be considered an adult.

7 (b) "Health professional" means for the purposes of this act any
8 licensed physician, psychologist, dentist, osteopathic physician,
9 podiatrist, chiropractor, registered or licensed practical nurse or
10 physician's assistant.

11 (c) "Health services" means services delivered by any health
12 professional including examination, preventive and curative
13 treatment, surgical, hospitalization, and psychological services,
14 ~~except abortion or sterilization. Should the health services include~~
15 ~~counseling concerning abortion, all alternatives will be fully~~
16 ~~presented to the minor.~~ Services in this act shall not include
17 research or experimentation with minors except where used in an
18 attempt to preserve the life of that minor, or research as approved
19 by an appropriate review board involved in the management of
20 reportable diseases.

21 SECTION .. NEW LAW A new section of law to be codified in
22 the Oklahoma Statutes as Section 18h of Title 74, unless there is
23 created a duplication in numbering, reads as follows:

24

1 The Attorney General shall monitor this state's enforcement of
2 Chapter 24 of Title 21 of the Oklahoma Statutes in relation to
3 abortion. The Attorney General shall direct state agencies to
4 enforce those laws regardless of any contrary or conflicting federal
5 statutes, regulations, executive orders, or court decisions.

6 SECTION .. AMENDATORY 74 O.S. 2011, Section 5054, is
7 amended to read as follows:

8 Section 5054. A. None of the funds provided in the Oklahoma
9 Health Research Act shall be used to conduct or support any research
10 or experimentation on a human subject unless the research or
11 experimentation has been reviewed and approved by an institutional
12 review board.

13 B. None of the funds provided in the Oklahoma Health Research
14 Act shall be used to undertake any research which has abortion, as
15 defined by Section ~~1-730~~ 691 of Title ~~63~~ 21 of the Oklahoma Statutes,
16 as its purpose.

17 SECTION .. REPEALER 21 O.S. 2011, Sections 684, 714, 861
18 and 862, are hereby repealed.

19 SECTION .. REPEALER 63 O.S. 2011, Sections 1-729a, as
20 amended by Section 1, Chapter 121, O.S.L. 2014 (63 O.S. Supp. 2018,
21 Section 1-729a), 1-731, 1-731.2 through 1-737, 1-737.4, as amended by
22 Section 1, Chapter 123, O.S.L. 2017 (63 O.S. Supp. 2018, Section 1-
23 737.4), 1-737.5, 1-737.6, 1-738i, 1-738j, 1-738k, as amended by
24 Section 1, Chapter 303, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-

1 738k), 1-738l, 1-738m, as amended by Section 6, Chapter 255, O.S.L.
2 2015 (63 O.S. Supp. 2018, Section 1-738m), 1-738n, as amended by
3 Section 3, Chapter 303, O.S.L. 2013 (63 O.S. Supp. 2018, Section 1-
4 738n), 1-738o, 1-738p, 1-738.1A, 1-738.2 through 1-738.3a, as amended
5 by Sections 1 through 3, Chapter 255, O.S.L. 2015 (63 O.S. Supp.
6 2018, Sections 1-738.2 through 1-738.3a), 1-738.3d, 1-738.3e, 1-
7 738.5, 1-738.6, 1-738.7, 1-738.8, as amended by Section 4, Chapter
8 255, O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-738.8), 1-738.9
9 through 1-738.12, 1-738.13, as amended by Section 5, Chapter 255,
10 O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-738.13), 1-738.14 through
11 1-740.1, 1-740.2, 1-740.3 and 1-740.4, as amended by Sections 2, 3
12 and 4, Chapter 320, O.S.L. 2013 (63 O.S. Supp. 2018, Sections 1-
13 740.2, 1-740.3 and 1-740.4), 1-740.4a, 1-740.4b, as amended by
14 Section 1, Chapter 386, O.S.L. 2015 (63 O.S. Supp. 2018, Section 1-
15 740.4b), 1-740.5 through 1-740.11, 1-740.12, as amended by Section
16 485, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2018, Section 740.12),
17 1-741 through 1-743, and 1-745.1 through 1-745.11, are hereby
18 repealed.

19 SECTION .. REPEALER Sections 1 through 7, Chapter 170,
20 O.S.L. 2012 (63 O.S. Supp. 2018, Sections 1-729.1 through 1-729.7),
21 are hereby repealed.

22 SECTION .. REPEALER Sections 1 through 9, Chapter 159,
23 O.S.L. 2012 (63 O.S. Supp. 2018, Sections 1-745.12 through 1-745.19),
24 are hereby repealed.

1 SECTION .. REPEALER Section 4, Chapter 303, O.S.L. 2013
2 (63 O.S. Supp. 2018, Section 1-738q), is hereby repealed.

3 SECTION .. REPEALER Sections 1 through 6, Chapter 198,
4 O.S.L. 2012 (63 O.S. Supp. 2018, Sections 1-738.3f through 1-738.3k),
5 are hereby repealed.

6 SECTION .. REPEALER Sections 2, 4 and 5, Chapter 268,
7 O.S.L. 2013 (63 O.S. Supp. 2018, Sections 1-740.2A, 1-740.13 and 1-
8 740.14), are hereby repealed.

9 SECTION .. REPEALER Sections 1 and 5 through 10, Chapter
10 320, O.S.L. 2013 (63 O.S. Supp. 2018, Sections 1-744 through 1-
11 744.6), are hereby repealed.

12 SECTION .. REPEALER Sections 1, 3 through 5 and 7 through
13 10, Chapter 175, O.S.L. 2014 (63 O.S. Supp. 2018, Sections 1-746.1,
14 1-746.3 through 1-746.5 and 1-746.7 through 1-746.10), are hereby
15 repealed.

16 SECTION .. REPEALER Sections 2 and 6, Chapter 175, O.S.L.
17 2014, as amended by Sections 7 and 8, Chapter 255, O.S.L. 2015 (63
18 O.S. Supp. 2018, Sections 1-746.2 and 1-746.6), are hereby repealed.

19 SECTION .. REPEALER Section 1, Chapter 370, O.S.L. 2014
20 (63 O.S. Supp. 2018, Section 1-748), is hereby repealed.

21 SECTION .. REPEALER Sections 1 through 10, Chapter 59,
22 O.S.L. 2015 (63 O.S. Supp. 2018, Sections 1-737.7 through 1-737.16),
23 are hereby repealed.

24

1 SECTION .. REPEALER Section 9, Chapter 255, O.S.L. 2015
2 (63 O.S. Supp. 2018, Section 1-738.5a), is hereby repealed.

3 SECTION .. REPEALER Sections 2 through 4, Chapter 386,
4 O.S.L. 2015 (63 O.S. Supp. 2018, Sections 1-749 through 1-750), are
5 hereby repealed.

6 SECTION .. REPEALER Sections 1 and 3 through 5, Chapter
7 353, O.S.L. 2016 (63 O.S. Supp. 2018, Sections 1-751 and 1-753
8 through 1-755), are hereby repealed.

9 SECTION .. REPEALER Section 2, Chapter 353, O.S.L. 2016,
10 as amended by Section 2, Chapter 123, O.S.L. 2017 (63 O.S. Supp.
11 2018, Section 1-752), is hereby repealed.

12 SECTION .. REPEALER Sections 1 through 5, Chapter 308,
13 O.S.L. 2017 (63 O.S. Supp. 2018, Sections 1-740.15 through 1-740.19),
14 are hereby repealed.

15 SECTION .. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 A. Any federal statute, regulation, executive order or court
18 decision which purports to supersede, stay or overrule this act is in
19 violation of the Constitution of the State of Oklahoma and the
20 Constitution of the United States of America and is therefore void.

21 B. The State of Oklahoma and its political subdivisions, and
22 agents thereof, may nullify any part or the whole of any court
23 decision which voids any provision of this act.

24

1 C. This act shall not be construed to permit the invasion of a
2 woman's privacy. No woman shall be tracked or monitored due to
3 pregnancy or perceived pregnancy.

4 SECTION .. NEW LAW A new section of law not to be
5 codified in the Oklahoma Statutes reads as follows:

6 The provisions, words, phrases and clauses of this act are
7 declared to be inseverable.

8 SECTION .. This act shall become effective November 1, 2019.

9

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