

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1167

By: Burns

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5
6 AS INTRODUCED

7 An Act relating to abortion; creating the Every
8 Mother Matters Act; requiring physician to confirm
9 receipt of resource access assistance offer prior to
10 performance of abortion; stating qualifications of
11 care agent; specifying elements of resource access
12 assistance offer; allowing care agent to take certain
13 actions upon certain discovery; requiring care agent
14 to request unique identifying number for certain
15 certification; requiring State Department of Health
16 to develop and maintain certain verification system;
17 requiring system to meet certain criteria; directing
18 Department to establish certain toll-free telephone
19 number; specifying certain rights of pregnant woman;
20 requiring certain documentation to be placed in
21 medical records; requiring documentation to be
22 retained for certain time period; directing
23 promulgation of rules; requiring Department to enter
24 into certain contract; requiring implementation of
act under certain condition; providing for
codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-740.31 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the Every Mother
24 Matters Act.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-740.32 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. In addition to the informed consent requirements relating to
5 abortion provided under Title 63 of the Oklahoma Statutes, except
6 during a medical emergency, and before the abortion is performed or
7 induced, the physician who is to perform or induce an abortion shall
8 confirm the pregnant woman received a pre-abortion resource access
9 assistance offer, as required by this section, by verifying the
10 unique identifying number as provided by subsection F of this
11 section, devoid of the woman's personally identifiable information,
12 as provided by the State Department of Health.

13 B. A care agent providing a resource access assistance offer
14 under this section:

15 1. Shall be:

16 a. licensed as a counselor, doctor, psychologist, social
17 worker, nurse, advanced practice registered nurse,
18 community health worker, physician assistant, or
19 marriage and family therapist, or

20 b. acting under the supervision of an individual
21 described by subparagraph a of this paragraph;

22 2. Shall:

23 a. be authorized under a contract with the Department to
24 provide resource access assistance offers and support
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1 services on behalf of this state in accordance with
2 this section,

3 b. complete a training program on identifying and
4 assisting victims of human trafficking using a
5 standardized curriculum approved by the Department,
6 and

7 c. comply with state and federal medical records privacy
8 laws;

9 3. In the last two years, shall not:

10 a. have performed or induced an abortion, or

11 b. have served as a director, board member, officer,
12 volunteer, or employee for an abortion facility
13 licensed by the Department; and

14 4. Shall not refer a woman to an abortion provider.

15 C. The resource access assistance offer shall be provided by
16 and on behalf of this state at no cost to the pregnant woman from a
17 care agent who meets the qualifications described by subsection B of
18 this section. The care agent during a resource access assistance
19 offer shall provide:

20 1. An assessment of eligibility for and offer of assistance in
21 obtaining support services other than abortion for the woman or
22 unborn child's biological father including housing, employment,
23 resume development, child care, prenatal and postpartum medical
24 care, mental health or behavioral counseling, adoption services,

1 financial assistance, abuse or neglect prevention assistance,
2 substance or alcohol abuse prevention assistance, and health benefit
3 plan coverage;

4 2. Education on available public and private resources to
5 address the woman's or biological father's socioeconomic needs; and

6 3. Screening for:

- 7 a. family violence, abuse, and neglect victimization,
- 8 b. coercion of abortion, and
- 9 c. human trafficking victimization.

10 D. A care agent who obtains information that the pregnant woman
11 is a victim of human trafficking or coercion of abortion may:

12 1. Submit a report to the appropriate law enforcement agency of
13 the suspected human trafficking or coercion of abortion if, before
14 submitting the report, the care agent:

- 15 a. provides a written disclosure to the pregnant woman
16 that the woman's identifying information will be
17 provided in the report, and
- 18 b. after receiving the written disclosure described by
19 subparagraph a of this paragraph, the pregnant woman
20 consents to the care agent submitting the report; or

21 2. Provide to the pregnant woman information on the methods
22 available for the woman to report human trafficking or coercion of
23 abortion to the appropriate law enforcement agency.

1 E. A care agent shall request a unique identifying number
2 devoid of the pregnant woman's personally identifiable information
3 from the system developed by the Department to certify that the
4 woman received the resource access assistance offer.

5 F. The Department shall develop and maintain an authentication
6 system that provides the pregnant woman a unique identifying number
7 required under this section. The system shall:

8 1. Allow a care agent to request a unique identifying number
9 for the pregnant woman;

10 2. Allow a physician who is to perform or induce an abortion to
11 verify the unique identifying number;

12 3. Ensure that the identity of an individual pregnant woman,
13 care agent, or physician who is to perform or induce the abortion is
14 not disclosed in the authentication system; and

15 4. Remove any personal information for the pregnant woman, care
16 agent, or physician as soon as the information is not needed to
17 verify the unique identifying number.

18 G. The Department shall establish a single toll-free telephone
19 number through which a woman seeking an abortion in this state may
20 receive a resource access assistance offer on a twenty-four-hour
21 basis. The Department shall ensure the placed call automatically
22 routes the woman to a care agent at a contracting agency to provide
23 the resource access assistance offer.

24 H. The pregnant woman:

1 1. Is not required to:

2 a. provide any information to the care agent or
3 contracting agency, or

4 b. initiate or complete services offered under this
5 section to obtain an abortion;

6 2. May decline services under this section at any time; and

7 3. If accepting a resource access assistance offer, shall
8 retain access to the offer until the second anniversary of the date
9 of acceptance, regardless of the woman's pregnancy.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-740.33 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 A. Before the abortion begins, documentation of the receipt of
14 the resource access assistance offer required under Section 2 of
15 this act shall be placed in the pregnant woman's medical records.

16 B. Documentation of the receipt of the resource access
17 assistance offer required under Section 2 of this act shall be
18 retained by the facility where the abortion is performed until:

19 1. The seventh anniversary of the date it is signed; or

20 2. If the pregnant woman is a minor, the later of:

21 a. the seventh anniversary of the date it is signed, or

22 b. the woman's 21st birthday.
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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-740.34 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The State Commissioner of Health shall adopt rules as
5 necessary to implement this act.

6 B. Not later than July 1, 2023, the State Department of Health
7 shall contract with one or more contracting agencies that employ
8 care agents throughout this state to provide the pre-abortion
9 resource access assistance offer and assistance in obtaining support
10 services described by Section 2 of this act.

11 C. The Department shall implement this act subject to
12 availability of funding.

13 SECTION 5. This act shall become effective November 1, 2022.

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