

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2441 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Todd Russ

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2441

By: Russ

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to health; amending 63 O.S. 2011,
10 Section 1-732, which relates to abortion; prohibiting
11 abortion when a fetal heartbeat is detectable;
12 defining term; providing exception; amending 63 O.S.
13 2011, Section 1-737.4, as amended by Section 1,
14 Chapter 123, O.S.L. 2017 (63 O.S. Supp. 2020, Section
15 1-737.4), which relates to required signage in
16 abortion facilities; requiring certain information in
17 posted signage; and providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-732, is
20 amended to read as follows:

21 Section 1-732. A. No person shall perform or induce an
22 abortion upon a pregnant woman after such time as her unborn child
23 has ~~become viable~~ been determined to have a detectable heartbeat
24 unless such abortion is necessary to prevent the death of the
pregnant woman or to prevent impairment to her health.

1 B. ~~An unborn child shall be presumed to be viable if more than~~
2 ~~twenty four (24) weeks have elapsed since the probable beginning of~~
3 ~~the last menstrual period of the pregnant woman, based upon either~~
4 ~~information provided by her or by an examination by her attending~~
5 ~~physician.~~ "A detectable heartbeat" shall mean embryonic or fetal
6 cardiac activity or the steady and repetitive rhythmic contraction
7 of the heart within the gestational sac. If it is the judgment of
8 the attending physician that a particular ~~unborn child is not viable~~
9 pregnancy is medically futile ~~where~~ when ~~the presumption of~~
10 ~~viability~~ a detectable heartbeat exists as to that particular unborn
11 child, then he or she shall certify in writing the precise medical
12 criteria upon which he or she has determined that the particular
13 ~~unborn child is not viable~~ pregnancy is medically futile before an
14 abortion may be performed or induced.

15 C. No abortion of ~~a viable~~ an unborn child with a detectable
16 heartbeat shall be performed or induced except after written
17 certification by the attending physician that in his or her best
18 medical judgment the abortion is necessary to prevent the death of
19 the pregnant woman or to prevent an impairment to her health. The
20 physician shall further certify in writing the medical indications
21 for such abortion and the probable health consequences if the
22 abortion is not performed or induced.

23 D. The physician who shall perform or induce an abortion upon a
24 pregnant woman after such time as her unborn child has ~~become viable~~

1 a detectable heartbeat shall utilize the available method or
2 technique of abortion most likely to preserve the life and health of
3 the unborn child, unless he or she shall first certify in writing
4 that in his or her best medical judgment such method or technique
5 shall present a significantly greater danger to the life or health
6 of the pregnant woman than another available method or technique.

7 E. An abortion of a ~~viable unborn~~ child with a heartbeat shall
8 be performed or induced only when there is in attendance a physician
9 other than the physician performing or inducing the abortion who
10 shall take control of and provide immediate medical care for the
11 child. During the performance or inducing of the abortion, the
12 physician performing it, and subsequent to it, the physician
13 required by this section to be in attendance, shall take all
14 reasonable steps in keeping with good medical practice, consistent
15 with the procedure used, to preserve the life and health of the
16 child, in the same manner as if the child had been born naturally or
17 spontaneously. The requirement of the attendance of a second
18 physician may be waived when in the best judgment of the attending
19 physician a medical emergency exists and further delay would result
20 in a serious threat to the life or physical health of the pregnant
21 woman. Provided that, under such emergency circumstances and
22 waiver, the attending physician shall have the duty to take all
23 reasonable steps to preserve the life and health of the child
24 before, during and after the abortion procedure, unless such steps

1 shall, in the best medical judgment of the physician, present a
2 significantly greater danger to the life or health of the pregnant
3 woman.

4 F. Any person violating subsection A of this section shall be
5 guilty of homicide.

6 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-737.4, as
7 amended by Section 1, Chapter 123, O.S.L. 2017 (63 O.S. Supp. 2020,
8 Section 1-737.4), is amended to read as follows:

9 Section 1-737.4. A. Any private office, freestanding
10 outpatient clinic, or other facility or clinic in which abortions,
11 other than abortions necessary to prevent the death of the pregnant
12 female, are performed, induced, prescribed for, or where the means
13 for an abortion are provided shall conspicuously post a sign in a
14 location defined in subsection C of this section so as to be clearly
15 visible to patients, which reads:

16 Notice: It is against the law for anyone, regardless of his or
17 her relationship to you, to force you to have an abortion. By
18 law, we cannot perform, induce, prescribe for, or provide you
19 with the means for an abortion unless we have your freely given
20 and voluntary consent. It is against the law to perform,
21 induce, prescribe for, or provide you with the means for an
22 abortion against your will. You have the right to contact any
23 local or state law enforcement agency to receive protection from
24 any actual or threatened physical abuse or violence. In certain

1 cases, abortions are induced by medication using a two-step
2 process. Such abortions may be reversible if the second dosage
3 has not been taken.

4 There are public and private agencies willing and able to help
5 you carry your child to term, have a healthy pregnancy and a
6 healthy baby and assist you and your child after your child is
7 born, whether you choose to keep your child or place him or her
8 for adoption. The State of Oklahoma strongly encourages you to
9 contact them if you are pregnant.

10 B. The sign required pursuant to subsection A of this section
11 shall be printed with lettering that is legible and shall be at
12 least three-quarters-of-an-inch boldfaced type.

13 C. A facility in which abortions are performed, induced,
14 prescribed for, or where the means for an abortion are provided that
15 is a private office or a freestanding outpatient clinic shall post
16 the required sign in each patient waiting room and patient
17 consultation room used by patients on whom abortions are performed,
18 induced, prescribed for, or who are provided with the means for an
19 abortion. A hospital or any other facility in which abortions are
20 performed, induced, prescribed for, or where the means for an
21 abortion are provided that is not a private office or freestanding
22 outpatient clinic shall post the required sign in each patient
23 admission area used by patients on whom abortions are performed,
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1 induced, prescribed for, or by patients who are provided with the
2 means for an abortion.

3 SECTION 3. This act shall become effective November 1, 2021.

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5 58-1-7500 AB 02/11/21

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