

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 778

By: Daniels, Bullard and
Stephens of the Senate

6 and

7 Lepak of the House

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to abortion; creating the Oklahoma
11 Abortion-Inducing Drug Risk Protocol Act; defining
12 terms; limiting provision of abortion-inducing drugs
13 to certain practitioners and procedures; prohibiting
14 provision through certain methods; requiring certain
15 examination; stating criteria of examination;
16 providing for complication management; requiring
17 scheduling and certain efforts of follow-up visit;
18 prohibiting provision of abortion-inducing drugs in
19 certain locations; requiring informed consent within
20 certain time period except under specified
21 conditions; directing use of certain form; stating
22 criteria of valid form; stating additional criteria;
23 requiring State Board of Medical Licensure and
24 Supervision to publish and update certain materials;
requiring qualified physician to provide certain
information; requiring completion and submission of
certain report; stating required inclusions and
exclusions of report; requiring certain reporting of
adverse event; stating criteria of report; requiring
Department to prepare and submit certain report;
deeming reports public records; prohibiting certain
actions relating to identity of woman; directing
reports to be made available to certain entities;
requiring Department to communicate reporting
requirements; specifying additional reporting
requirements; requiring Department to create and
distribute certain forms; providing criminal
penalties; providing for certain civil remedies,

1 disciplinary sanctions and injunctive relief;
2 specifying certain judicial procedures; providing
3 certain construction and intent; authorizing certain
4 intervention; providing severability; providing for
5 codification; and providing an effective date.

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

7 SECTION 1. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-756.1 of Title 63, unless
9 there is created a duplication in numbering, reads as follows:

10 This act shall be known and may be cited as the "Oklahoma
11 Abortion-Inducing Drug Risk Protocol Act".

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-756.2 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 As used in this act:

16 1. "Abortion" means the use or prescription of any instrument,
17 medicine, drug or any other substance or device intentionally to
18 terminate the pregnancy of a female known to be pregnant with an
19 intention other than to increase the probability of a live birth, to
20 preserve the life or health of the child after live birth, to remove
21 an ectopic pregnancy or to remove a dead unborn child who died as
22 the result of a spontaneous miscarriage, accidental trauma or a
23 criminal assault on the pregnant female or her unborn child;

1 2. "Abortion-inducing drug" means a medicine, drug or any other
2 substance prescribed or dispensed with the intent of terminating the
3 pregnancy of a woman known to be pregnant, with knowledge that the
4 termination will with reasonable likelihood cause the death of the
5 unborn child. This includes the off-label use of drugs known to
6 have abortion-inducing properties, which are prescribed specifically
7 with the intent of causing an abortion, such as mifepristone
8 (Mifeprex), misoprostol (Cytotec) and methotrexate. This definition
9 does not apply to drugs that may be known to cause an abortion, but
10 which are prescribed for other medical indications, such as
11 chemotherapeutic agents and diagnostic drugs. The use of such drugs
12 to induce abortion is also known as "medical", "medication", "RU-
13 486", "chemical", "Mifeprex regimen" or "drug-induced" abortion;

14 3. "Adverse Event", according to the Food and Drug
15 Administration, means any untoward medical occurrence associated
16 with the use of a drug in humans, whether or not considered drug-
17 related. It does not include an adverse event or suspected adverse
18 reaction that, had it occurred in a more severe form, might have
19 caused death;

20 4. "Associated physician" means a person licensed to practice
21 medicine in the state including medical doctors and doctors of
22 osteopathy, that has entered into an associated physician agreement;

23 5. "Complication" means any adverse physical or psychological
24 condition arising from the performance of an abortion which

1 includes, but is not limited to, uterine perforation, cervical
2 perforation, infection, heavy or uncontrolled bleeding, hemorrhage,
3 blood clots resulting in pulmonary embolism or deep vein thrombosis,
4 failure to actually terminate the pregnancy, incomplete abortion
5 (retained tissue), pelvic inflammatory disease, endometritis, missed
6 ectopic pregnancy, cardiac arrest, respiratory arrest, renal
7 failure, metabolic disorder, shock, embolism, coma, placenta previa
8 in subsequent pregnancies, preterm delivery in subsequent
9 pregnancies, free fluid in the abdomen, hemolytic reaction due to
10 the administration of ABO-incompatible blood or blood products,
11 adverse reactions to anesthesia and other drugs, subsequent
12 development of breast cancer, psychological complications such as
13 depression, suicidal ideation, anxiety, sleeping disorders, death
14 and any other adverse event as defined by the Food and Drug
15 Administration criteria provided in the Medwatch Reporting System;

16 6. "Gestational age" means the time that has elapsed since the
17 first day of the woman's last menstrual period, also known as "last
18 menstrual period" or "LMP";

19 7. "Hospital" means an institution providing medical and
20 surgical treatment and nursing care for sick or injured people, or
21 institutions defined under Section 1-701 of Title 63 of the Oklahoma
22 Statutes;

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1 8. "Physician" means any person licensed to practice medicine
2 in this state. The term includes medical doctors and doctors of
3 osteopathy;

4 9. "Pregnant" or "pregnancy" means that female reproductive
5 condition of having an unborn child in the mother's uterus;

6 10. "Provide" or "provision" means, when used regarding
7 abortion-inducing drugs, any act of giving, selling, dispensing,
8 administering, transferring possession to or otherwise providing or
9 prescribing an abortion-inducing drug;

10 11. "Qualified physician" means a physician licensed in this
11 state who has the ability to:

- 12 a. identify and document a viable intrauterine pregnancy,
- 13 b. assess the gestational age of pregnancy and to inform
14 the patient of gestational age-specific risks,
- 15 c. diagnose ectopic pregnancy,
- 16 d. determine blood type and administer RhoGAM if a woman
17 is Rh negative,
- 18 e. assess for signs of domestic abuse, reproductive
19 control, human trafficking and other signals of
20 coerced abortion,
- 21 f. provide surgical intervention or has entered into a
22 contract with another qualified physician to provide
23 surgical intervention, and
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1 g. supervise and bear legal responsibility for any agent,
2 employee or contractor who is participating in any
3 part of procedure including, but not limited to, pre-
4 procedure evaluation and care;

5 12. "Reasonable medical judgment" means a medical judgment that
6 would be made by a reasonably prudent physician knowledgeable about
7 the case and the treatment possibilities with respect to the medical
8 conditions involved; and

9 13. "Unborn child" means an individual organism of the species
10 homo sapiens, beginning at fertilization, until the point of being
11 born-alive as defined in Title 1 U.S.C., Section 8(b).

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-756.3 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 Abortion-inducing drugs shall only be provided by a qualified
16 physician following procedures laid out in this act. It shall be
17 unlawful for any manufacturer, supplier, physician, qualified
18 physician or any other person to provide any abortion-inducing drug
19 via courier, delivery or mail service.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-756.4 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

1 A. The qualified physician providing an abortion-inducing drug
2 shall examine the woman in person, and prior to providing an
3 abortion-inducing drug, shall:

4 1. Independently verify that a pregnancy exists;

5 2. Determine the woman's blood type, and if she is Rh negative,
6 be able to and offer to administer RhoGAM at the time of the
7 abortion;

8 3. Inform the patient that she may see the remains of her
9 unborn child in the process of completing the abortion; and

10 4. Document, in the woman's medical chart, the gestational age
11 and intrauterine location of the pregnancy, and whether she received
12 treatment for Rh negativity, as diagnosed by the most accurate
13 standard of medical care.

14 B. A qualified physician providing an abortion-inducing drug
15 shall be credentialed and competent to handle complication
16 management including emergency transfer, or shall have a signed
17 contract with an associated physician who is credentialed to handle
18 complications and be able to produce that signed contract on demand
19 by the pregnant woman, by the State Board of Medical Licensure and
20 Supervision or by the State Department of Health. Every pregnant
21 woman to whom a qualified physician provides any abortion-inducing
22 drug shall be given the name and phone number of the associated
23 physician.

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1 C. The qualified physician providing any abortion-inducing drug
2 or an agent of the qualified physician shall schedule a follow-up
3 visit for the woman at approximately seven (7) to fourteen (14) days
4 after administration of the abortion-inducing drug to confirm that
5 the pregnancy is completely terminated and to assess the degree of
6 bleeding. The qualified physician shall make all reasonable efforts
7 to ensure that the woman returns for the scheduled appointment. A
8 brief description of the efforts made to comply with this subsection
9 including the date, time and identification by name of the person
10 making such efforts, shall be included in the woman's medical
11 record.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-756.5 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 Notwithstanding any other provision of this act or the laws of
16 this state, abortion-inducing drugs shall not be provided in any
17 school facility or on state grounds including, but not limited to,
18 elementary, secondary and institutions of higher education in this
19 state.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-756.6 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:
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1 A. No abortion-inducing drug shall be provided without the
2 informed consent of the pregnant woman as described in this section
3 to whom the abortion-inducing drug is provided.

4 B. Informed consent to a chemical abortion shall be obtained at
5 least seventy-two (72) hours before the abortion-inducing drug is
6 provided to the pregnant woman, except if in reasonable medical
7 judgment, compliance with this subsection would pose a greater risk
8 of:

- 9 1. The death of the pregnant woman; or
- 10 2. The substantial and irreversible physical impairment of a
11 major bodily function not including psychological or emotional
12 conditions, of the pregnant woman.

13 C. A form created by the State Department of Health shall be
14 used by a qualified physician to obtain the consent required prior
15 to providing an abortion-inducing drug.

16 D. A consent form is not valid and consent is not sufficient,
17 unless:

- 18 1. The patient initials each entry, list, description or
19 declaration required to be on the consent form as detailed in
20 paragraphs 1 through 6 of subsection E of this section;
- 21 2. The patient signs the "consent statement" described in
22 paragraph 11 of subsection E of this section; and

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1 3. The qualified physician signs the "qualified physician
2 declaration" described in paragraph 12 of subsection E of this
3 section.

4 E. The consent form shall include, but is not limited to, the
5 following:

6 1. The probable gestational age of the unborn child as
7 determined by both patient history and by ultrasound results used to
8 confirm gestational age;

9 2. A detailed description of the steps to complete the chemical
10 abortion;

11 3. A detailed list of the risks related to the specific
12 abortion-inducing drug or drugs to be used including, but not
13 limited to, hemorrhaging, failure to remove all tissue of the unborn
14 child which may require an additional procedure, sepsis, sterility
15 and possible continuation of pregnancy;

16 4. Information about Rh incompatibility including that if she
17 has an Rh-negative blood type, she should receive an injection of Rh
18 immunoglobulin at the time of the abortion to prevent Rh
19 incompatibility in future pregnancies;

20 5. That the risks of complications from a chemical abortion
21 including incomplete abortion, increase with advancing gestational
22 age;

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1 6. That it may be possible to reverse the effects of the
2 chemical abortion should she change her mind, but that time is of
3 the essence;

4 7. That she may see the remains of her unborn child in the
5 process of completing the abortion;

6 8. That initial studies suggest that children born after
7 reversing the effects of Mifeprex/mifepristone have no greater risk
8 of birth defects than the general population;

9 9. That initial studies suggest there is no increased risk of
10 maternal mortality after reversing the effects of
11 Mifeprex/mifepristone;

12 10. That information on and assistance with reversing the
13 effects of abortion-inducing drugs are available in the state-
14 prepared materials;

15 11. An "acknowledgment of risks and consent statement" which
16 shall be signed by the patient. The statement shall include, but is
17 not limited to, the following declarations, which shall be
18 individually initialed by the patient:

19 a. that the patient understands that the abortion-
20 inducing drug regimen or procedure is intended to end
21 her pregnancy and will result in the death of her
22 unborn child,

23 b. that the patient is not being forced to have an
24 abortion, that she has the choice not to have the

1 abortion and that she may withdraw her consent to the
2 abortion-inducing drug regimen even after she has
3 begun the abortion-inducing drug regimen,

4 c. that the patient understands that the chemical
5 abortion regimen or procedure to be used has specific
6 risks and may result in specific complications,

7 d. that the patient has been given the opportunity to ask
8 questions about her pregnancy, the development of her
9 unborn child, alternatives to abortion, the abortion-
10 inducing drug or drugs to be used and the risks and
11 complications inherent to the abortion-inducing drug
12 or drugs to be used,

13 e. that she was specifically told that "Information on
14 the potential ability of qualified medical
15 professionals to reverse the effects of an abortion
16 obtained through the use of abortion-inducing drugs is
17 available at www.abortionpillreversal.com, or you can
18 contact (877) 558-0333 for assistance in locating a
19 medical professional that can aide in the reversal of
20 an abortion.",

21 f. that she has been provided access to state-prepared,
22 printed materials on informed consent for abortion and
23 the state-prepared and maintained website on informed
24 consent for abortion,

1 g. if applicable, that she has been given the name and
2 phone number of the associated physician who has
3 agreed to provide medical care and treatment in the
4 event of complications associated with the abortion-
5 inducing drug regimen or procedure,

6 h. that the qualified physician will schedule an in-
7 person follow-up visit for the patient at
8 approximately seven (7) to fourteen (14) days after
9 providing the abortion-inducing drug or drugs to
10 confirm that the pregnancy is completely terminated
11 and to assess the degree of bleeding and other
12 complications, and

13 i. that the patient has received or been given sufficient
14 information to give her informed consent to the
15 abortion-inducing drug regimen or procedure, and

16 j. that the patient has a private right of action to sue
17 the qualified physician under the laws of this state
18 if she feels that she has been coerced or misled prior
19 to obtaining an abortion, and how to access state
20 resources regarding her legal right to obtain relief;
21 and

22 12. A "qualified physician declaration", which shall be signed
23 by the qualified physician, stating that the qualified physician has
24 explained the abortion-inducing drug or drugs to be used, has

1 provided all of the information required in subsection E of this
2 section, and has answered all of the woman's questions.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-756.7 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 A. The State Board of Medical Licensure and Supervision shall
7 cause to be published in the state-prepared, printed materials on
8 informed consent for abortion and the state-prepared and maintained
9 website on informed consent for abortion the following statement:

10 "Information on the potential ability of qualified medical
11 professionals to reverse the effects of an abortion obtained through
12 the use of abortion-inducing drugs is available at
13 www.abortionpillreversal.com, or you can contact (877) 558-0333 for
14 assistance in locating a medical professional that can aid in the
15 reversal of an abortion."

16 B. On an annual basis, the State Board of Medical Licensure and
17 Supervision shall review and update, if necessary, the statement
18 required in subsection A of this Section.

19 C. As part of the informed consent counseling required in
20 Section 5 of this act, the qualified physician shall inform the
21 pregnant woman about abortion pill reversal and provide her with the
22 state-prepared materials and website link as proscribed by Section 6
23 of this act.

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1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-756.8 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. For the purpose of promoting maternal health and adding to
5 the sum of medical and public health knowledge through the
6 compilation of relevant data, a report of each drug-induced abortion
7 performed shall be made to the State Department of Health on forms
8 prescribed by it. The reports shall be completed by the hospital or
9 other licensed facility in which the abortion-inducing drug was
10 given, sold, dispensed, administered or otherwise provided or
11 prescribed; signed by the qualified physician who gave, sold,
12 dispensed, administered or otherwise provided or prescribed the
13 abortion-inducing drug; and transmitted to the Department within
14 fifteen (15) days after each reporting month.

15 B. Each report shall include, at minimum, the following
16 information:

17 1. Identification of the qualified physician who provided the
18 abortion-inducing drug;

19 2. Whether the chemical abortion was completed at the hospital
20 or licensed facility in which the abortion-inducing drug was
21 provided or at an alternative location;

22 3. The referring physician, agency or service, if any;

23 4. The pregnant woman's age and race;

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1 5. The number of previous pregnancies, number of live births
2 and number of previous abortions of the pregnant woman;

3 6. The probable gestational age of the unborn child as
4 determined by both patient history and by ultrasound results used to
5 confirm the gestational age. The report shall include the date of
6 the ultrasound and gestational age determined on that date;

7 7. The abortion-inducing drug or drugs used, the date each was
8 provided to the pregnant woman and the reason for the abortion, if
9 known;

10 8. Preexisting medical conditions of the pregnant woman which
11 would complicate her pregnancy, if any;

12 9. Whether the woman returned for a follow-up examination to
13 determine completion of the abortion procedure and to assess
14 bleeding and the date and results of any such follow-up examination,
15 and what reasonable efforts were made by the qualified physician to
16 encourage that she return for a follow-up examination if she did
17 not;

18 10. Whether the woman suffered any complications, and what
19 specific complications arose and any follow-up treatment needed; and

20 11. The amount billed to cover the treatment for specific
21 complications including whether the treatment was billed to
22 Medicaid, private insurance, private pay or other method. This
23 shall include charges for any physician, hospital, emergency room,
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1 prescription or other drugs, laboratory tests and any other costs
2 for treatment rendered.

3 C. Reports required under this subsection shall not contain:

4 1. The name of the pregnant woman;

5 2. Common identifiers such as her social security number or
6 driver license number; or

7 3. Other information or identifiers that would make it possible
8 to identify, in any manner or under any circumstances, a woman who
9 has obtained or seeks to obtain a chemical abortion.

10 D. If a qualified physician provides an abortion-inducing drug
11 to a pregnant woman for the purpose of inducing an abortion as
12 authorized in Sections 2 and 3 of this act, and if the qualified
13 physician knows that the woman who uses the abortion-inducing drug
14 for the purpose of inducing an abortion experiences, during or after
15 the use of the abortion-inducing drug, an adverse event, the
16 qualified physician shall provide a written report of the adverse
17 event within three (3) days of the event to the Food and Drug
18 Administration via the Medwatch Reporting System, and to the
19 Department and to the State Board of Medical Licensure and
20 Supervision.

21 E. Any physician, qualified physician, associated physician or
22 other healthcare provider who treats a woman, either
23 contemporaneously to or at any time after the procedure, for an
24 adverse event or complication related to a chemical abortion shall

1 make a report of the adverse event to the Department on forms
2 prescribed by it. The reports shall be completed by the hospital or
3 other facility in which the adverse event treatment was provided;
4 signed by the physician, qualified physician or other healthcare
5 provider who treated the adverse event; and transmitted to the
6 Department within (15) days after each reporting month.

7 F. The Department shall prepare a comprehensive annual
8 statistical report for the Legislature based upon the data gathered
9 from reports under this section. The aggregated data shall also be
10 made available to the public by the Department in a downloadable
11 format.

12 G. The Department shall summarize aggregate data from the
13 reports required under this act and submit the data to the Centers
14 for Disease Control and Prevention.

15 H. Reports filed pursuant to this section shall be public
16 records and shall be available to the public in accordance with the
17 confidentiality and public records reporting laws of this state.
18 Copies of all reports filed under this subsection shall be available
19 to the State Board of Medical Licensure and Supervision, State Board
20 of Pharmacy, state law enforcement offices and child protective
21 services for use in the performance of their official duties.

22 I. Absent a valid court order or judicial subpoena, neither the
23 Department, any other state department, agency or office nor any
24 employees thereof shall compare data concerning abortions or

1 abortion complications maintained in an electronic or other
2 information system file with data in any other electronic or other
3 information system with the intention of identifying, in any manner
4 or under any circumstances, a woman obtaining or seeking to obtain a
5 drug-induced abortion.

6 J. Statistical information that may reveal the identity of a
7 woman obtaining or seeking to obtain a drug-induced abortion shall
8 not be publicly disclosed by the Department, any other state
9 department, agency, office or any employee or contractor thereof.

10 K. Copies of all reports filed under this section shall be
11 available to the Department and the State Board of Medical Licensure
12 and Supervision for use in the performance of its official duties.

13 L. The Department shall communicate the reporting requirements
14 in this section to all medical professional organizations, licensed
15 physicians, hospitals, emergency rooms, abortion facilities,
16 clinics, ambulatory surgical facilities and other healthcare
17 facilities operating in this state.

18 M. Any physician including emergency medical personnel, who
19 treats a woman for complications or adverse event arising from an
20 abortion, shall file a written report as required by this section of
21 this act with the Department.

22 N. A physician filing a written report with the Department
23 after treating a woman for complications or otherwise in an
24 emergency capacity shall make reasonable efforts to include all of

1 the required information that may be obtained without violating the
2 privacy of the woman.

3 SECTION 9. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-756.9 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 The State Department of Health shall create and distribute the
7 forms required by this act within sixty (60) days after the
8 effective date of this act. No provision of this act requiring the
9 reporting of information on forms published by the Department shall
10 be applicable until ten (10) days after the requisite forms are
11 first created and distributed or until the effective date of this
12 act, whichever is later.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-756.10 of Title 63, unless
15 there is created a duplication in numbering, reads as follows:

16 A. A person who intentionally, knowingly or recklessly violates
17 any provision of this act is guilty of a misdemeanor.

18 B. A person who intentionally, knowingly or recklessly violates
19 any provision of this act by fraudulent use of an abortion-inducing
20 drug, with or without the knowledge of the pregnant woman, is guilty
21 of a felony.

22 C. No criminal penalty may be assessed against the pregnant
23 woman upon whom the drug-induced abortion is attempted, induced or
24 performed.

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-756.11 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. In addition to whatever remedies are available under the
5 common or statutory law of this state, failure to comply with the
6 requirements of this act shall:

7 1. Provide a basis for a civil malpractice action for actual
8 and punitive damages;

9 2. Provide a basis for a professional disciplinary action;

10 3. Provide a basis for recovery for the woman's survivors for
11 the wrongful death of the woman; and

12 4. Provide a basis for a cause of action for injunctive relief
13 against a person who has provided an abortion-inducing drug in
14 violation of this act. Such an action may be maintained by:

15 a. a woman to whom such an abortion-inducing drug was
16 provided,

17 b. a person who is the spouse, parent or guardian of, or
18 a current or former licensed health care provider of,
19 a woman to whom an abortion-producing drug was
20 provided, or

21 c. a prosecuting attorney with appropriate jurisdiction.

22 The injunction shall prevent the defendant from providing
23 further abortion-inducing drugs in violation of this act.

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1 B. No civil liability may be assessed against the pregnant
2 woman upon whom the drug-induced abortion is attempted, induced or
3 performed.

4 C. When requested, the court shall allow a woman to proceed
5 using solely her initials or a pseudonym and may close any
6 proceedings in the case and enter other protective orders to
7 preserve the privacy of the woman upon whom the drug-induced
8 abortion was attempted, induced or performed.

9 D. If judgment is rendered in favor of the plaintiff, the court
10 shall also render judgment for reasonable attorney fees in favor of
11 the plaintiff against the defendant.

12 E. If judgment is rendered in favor of the defendant and the
13 court finds that the plaintiff's suit was frivolous and brought in
14 bad faith, the court may render judgment for reasonable attorney
15 fees in favor of the defendant against the plaintiff.

16 SECTION 12. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-756.12 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 A. Nothing in this act shall be construed as creating or
20 recognizing a right to abortion.

21 B. It is not the intention of this act to make lawful an
22 abortion that is otherwise unlawful.

23 C. Nothing in this act repeals, replaces or otherwise
24 invalidates existing federal or state laws, regulations or policies.

1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-756.13 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 The Legislature, by joint resolution, may appoint one or more of
5 its members, who sponsored or cosponsored this act in his or her
6 official capacity, to intervene as a matter of right in any case in
7 which the constitutionality of this act is challenged.

8 SECTION 14. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-756.14 of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

11 If any one or more provisions, sections, subsections, sentences,
12 clauses, phrases or words of this act or the application thereof to
13 any person or circumstance is found to be unconstitutional, the same
14 is hereby declared to be severable and the balance of this act shall
15 remain effective notwithstanding such unconstitutionality. The
16 Legislature hereby declares that it would have passed this act, and
17 each provision, section, subsection, sentence, clause, phrase or
18 word thereof, irrespective of the fact that any one or more
19 provisions, sections, subsections, sentences, clauses, phrases or
20 words be declared unconstitutional.

21 SECTION 15. This act shall become effective November 1, 2021.
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