

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 10, 2021

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB778

By: Daniels et al of the Senate and Lepak et al of the House

Title: Abortion; creating the Oklahoma Abortion-Inducing Drug Risk Protocol Act. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

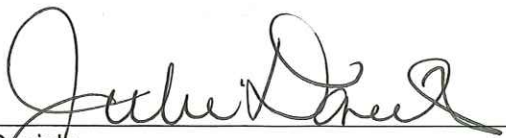
1. That the House recede from all Amendments.
2. By restoring the Enacting Clause.
3. By restoring the title as follows:

“An Act relating to abortion; creating the Oklahoma Abortion-Inducing Drug Risk Protocol Act; defining terms; limiting provision of abortion-inducing drugs to certain practitioners and procedures; prohibiting provision through certain methods; requiring certain examination; stating criteria of examination; providing for complication management; requiring scheduling and certain efforts of follow-up visit; prohibiting provision of abortion-inducing drugs in certain locations; requiring informed consent within certain time period except under specified conditions; directing use of certain form; stating criteria of valid form; stating additional criteria; requiring State Board of Medical Licensure and 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, disciplinary sanctions and injunctive relief; specifying certain judicial procedures; providing certain construction and intent; authorizing certain intervention; providing severability; providing for codification; and providing an effective date.”

Respectfully submitted,

SENATE CONFEREES:

Senate Action _____ Date _____ House Action _____ Date _____



Daniels



McCortney

Dossett (J.A.)

Hicks



Simpson



Standridge

HOUSE CONFEREES:

General Conference Committee on Appropriations

SB778 CCR (A)
HOUSE CONFEREES

Baker, Rhonda

Blancett, Meloyde

Dills, Sheila



Fetgatter, Scott



Goodwin, Regina

Hill, Brian

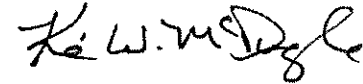
Lawson, Mark



Martinez, Ryan



McDugle, Kevin



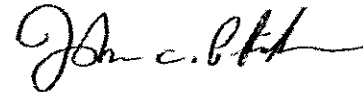
Miller, Nicole



Munson, Cyndi

Nichols, Monroe

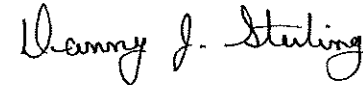
Pfeiffer, John



Roberts, Sean



Sterling, Danny



Virgin, Emily

Wallace, Kevin

West, Tammy



Bennett, Forrest

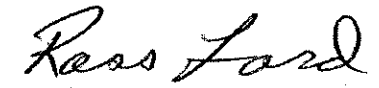
Boatman, Jeff



Echols, Jon

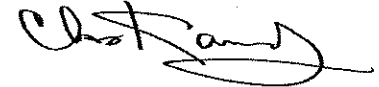


Ford, Ross



Hilbert, Kyle

Kannady, Chris



Lepak, Mark



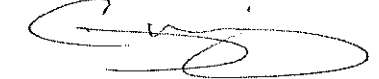
McBride, Mark



McEntire, Marcus



Mize, Garry



Newton, Carl



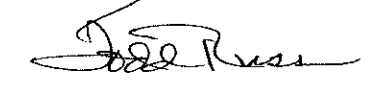
Osburn, Mike



Roberts, Dustin



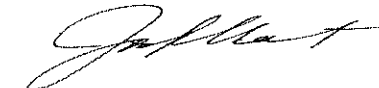
Russ, Todd



Strom, Judd

Walke, Collin

West, Josh



1 | ENGROSSED HOUSE AMENDMENTS

2 | TO

3 | ENGROSSED SENATE BILL NO. 778

By: Daniels, Bullard, Stephens,
David, Rogers and Taylor of
the Senate

4 | and

5 | Lepak of the House

6 |
7 | An Act relating to abortion; creating the Oklahoma
8 | Abortion-Inducing Drug Risk Protocol Act; defining
9 | terms; limiting provision of abortion-inducing drugs
10 | to certain practitioners and procedures; prohibiting
11 | provision through certain methods; requiring certain
12 | examination; stating criteria of examination;
13 | providing for complication management; requiring
14 | scheduling and certain efforts of follow-up visit;
15 | prohibiting provision of abortion-inducing drugs in
16 | certain locations; requiring informed consent within
17 | certain time period except under specified
18 | conditions; directing use of certain form; stating
19 | criteria of valid form; stating additional criteria;
20 | requiring State Board of Medical Licensure and
21 | Supervision to publish and update certain materials;
22 | requiring qualified physician to provide certain
23 | information; requiring completion and submission of
24 | 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,
disciplinary sanctions and injunctive relief;
specifying certain judicial procedures; providing
certain construction and intent; authorizing certain
intervention; providing severability; providing for
codification; and providing an effective date.

1 | AUTHORS: Add the following House Coauthors: Dills, Gann, Smith and
2 | Manger

3 | AUTHORS: Add the following Senate Coauthors: Jett and Bergstrom

4 | AMENDMENT NO. 1. Page 1, Lines 7 through 23 1/2, strike the title
5 | to read as follows

6 | "[abortion - creating the Oklahoma Abortion-Inducing
7 | Drug Risk Protocol Act - effective date]"

8 | AMENDMENT NO. 2. Page 2, Line 3, strike the Enacting Clause

9 | Passed the House of Representatives the 21st day of April, 2021.

12 | _____
13 | Presiding Officer of the House of
14 | Representatives

15 | Passed the Senate the ____ day of _____, 2021.

17 | _____
18 | Presiding Officer of the Senate

1 | ENGROSSED SENATE
2 | BILL NO. 778

By: Daniels, Bullard, Stephens,
David, Rogers and Taylor of
the Senate

3 |
4 | and

Lepak of the House

5 |
6 |
7 | An Act relating to abortion; creating the Oklahoma
8 | Abortion-Inducing Drug Risk Protocol Act; defining
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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
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codification; and providing an effective date.

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

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

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

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

As used in this act:

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

2. "Abortion-inducing drug" means a medicine, drug or any other substance prescribed or dispensed with the intent of terminating the pregnancy of a woman known to be pregnant, with knowledge that the termination will with reasonable likelihood cause the death of the

1 unborn child. This includes the off-label use of drugs known to
2 have abortion-inducing properties, which are prescribed specifically
3 with the intent of causing an abortion, such as mifepristone
4 (Mifeprex), misoprostol (Cytotec) and methotrexate. This definition
5 does not apply to drugs that may be known to cause an abortion, but
6 which are prescribed for other medical indications, such as
7 chemotherapeutic agents and diagnostic drugs. The use of such drugs
8 to induce abortion is also known as "medical", "medication", "RU-
9 486", "chemical", "Mifeprex regimen" or "drug-induced" abortion;

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

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

19 5. "Complication" means any adverse physical or psychological
20 condition arising from the performance of an abortion which
21 includes, but is not limited to, uterine perforation, cervical
22 perforation, infection, heavy or uncontrolled bleeding, hemorrhage,
23 blood clots resulting in pulmonary embolism or deep vein thrombosis,
24 failure to actually terminate the pregnancy, incomplete abortion

1 (retained tissue), pelvic inflammatory disease, endometritis, missed
2 ectopic pregnancy, cardiac arrest, respiratory arrest, renal
3 failure, metabolic disorder, shock, embolism, coma, placenta previa
4 in subsequent pregnancies, preterm delivery in subsequent
5 pregnancies, free fluid in the abdomen, hemolytic reaction due to
6 the administration of ABO-incompatible blood or blood products,
7 adverse reactions to anesthesia and other drugs, subsequent
8 development of breast cancer, psychological complications such as
9 depression, suicidal ideation, anxiety, sleeping disorders, death
10 and any other adverse event as defined by the Food and Drug
11 Administration criteria provided in the Medwatch Reporting System;

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

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

19 8. "Physician" means any person licensed to practice medicine
20 in this state. The term includes medical doctors and doctors of
21 osteopathy;

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

1 10. "Provide" or "provision" means, when used regarding
2 abortion-inducing drugs, any act of giving, selling, dispensing,
3 administering, transferring possession to or otherwise providing or
4 prescribing an abortion-inducing drug;

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

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

23 12. "Reasonable medical judgment" means a medical judgment that
24 would be made by a reasonably prudent physician knowledgeable about

1 the case and the treatment possibilities with respect to the medical
2 conditions involved; and

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

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

9 Abortion-inducing drugs shall only be provided by a qualified
10 physician following procedures laid out in this act. It shall be
11 unlawful for any manufacturer, supplier, physician, qualified
12 physician or any other person to provide any abortion-inducing drug
13 via courier, delivery or mail service.

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

17 A. The qualified physician providing an abortion-inducing drug
18 shall examine the woman in person, and prior to providing an
19 abortion-inducing drug, shall:

20 1. Independently verify that a pregnancy exists;

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

24

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

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

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

17 C. The qualified physician providing any abortion-inducing drug
18 or an agent of the qualified physician shall schedule a follow-up
19 visit for the woman at approximately seven (7) to fourteen (14) days
20 after administration of the abortion-inducing drug to confirm that
21 the pregnancy is completely terminated and to assess the degree of
22 bleeding. The qualified physician shall make all reasonable efforts
23 to ensure that the woman returns for the scheduled appointment. A
24 brief description of the efforts made to comply with this subsection

1 including the date, time and identification by name of the person
2 making such efforts, shall be included in the woman's medical
3 record.

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

7 Notwithstanding any other provision of this act or the laws of
8 this state, abortion-inducing drugs shall not be provided in any
9 school facility or on state grounds including, but not limited to,
10 elementary, secondary and institutions of higher education in this
11 state.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-756.6 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 A. No abortion-inducing drug shall be provided without the
16 informed consent of the pregnant woman as described in this section
17 to whom the abortion-inducing drug is provided.

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

- 23 1. The death of the pregnant woman; or
24

1 2. The substantial and irreversible physical impairment of a
2 major bodily function not including psychological or emotional
3 conditions, of the pregnant woman.

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

7 D. A consent form is not valid and consent is not sufficient,
8 unless:

9 1. The patient initials each entry, list, description or
10 declaration required to be on the consent form as detailed in
11 paragraphs 1 through 6 of subsection E of this section;

12 2. The patient signs the "consent statement" described in
13 paragraph 11 of subsection E of this section; and

14 3. The qualified physician signs the "qualified physician
15 declaration" described in paragraph 12 of subsection E of this
16 section.

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

19 1. The probable gestational age of the unborn child as
20 determined by both patient history and by ultrasound results used to
21 confirm gestational age;

22 2. A detailed description of the steps to complete the chemical
23 abortion;

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

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

10 5. That the risks of complications from a chemical abortion
11 including incomplete abortion, increase with advancing gestational
12 age;

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

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

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

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

1 10. That information on and assistance with reversing the
2 effects of abortion-inducing drugs are available in the state-
3 prepared materials;

4 11. An "acknowledgment of risks and consent statement" which
5 shall be signed by the patient. The statement shall include, but is
6 not limited to, the following declarations, which shall be
7 individually initialed by the patient:

8 a. that the patient understands that the abortion-
9 inducing drug regimen or procedure is intended to end
10 her pregnancy and will result in the death of her
11 unborn child,

12 b. that the patient is not being forced to have an
13 abortion, that she has the choice not to have the
14 abortion and that she may withdraw her consent to the
15 abortion-inducing drug regimen even after she has
16 begun the abortion-inducing drug regimen,

17 c. that the patient understands that the chemical
18 abortion regimen or procedure to be used has specific
19 risks and may result in specific complications,

20 d. that the patient has been given the opportunity to ask
21 questions about her pregnancy, the development of her
22 unborn child, alternatives to abortion, the abortion-
23 inducing drug or drugs to be used and the risks and
24

1 complications inherent to the abortion-inducing drug
2 or drugs to be used,

3 e. that she was specifically told that "Information on
4 the potential ability of qualified medical
5 professionals to reverse the effects of an abortion
6 obtained through the use of abortion-inducing drugs is
7 available at www.abortionpillreversal.com, or you can
8 contact (877) 558-0333 for assistance in locating a
9 medical professional that can aide in the reversal of
10 an abortion.",

11 f. that she has been provided access to state-prepared,
12 printed materials on informed consent for abortion and
13 the state-prepared and maintained website on informed
14 consent for abortion,

15 g. if applicable, that she has been given the name and
16 phone number of the associated physician who has
17 agreed to provide medical care and treatment in the
18 event of complications associated with the abortion-
19 inducing drug regimen or procedure,

20 h. that the qualified physician will schedule an in-
21 person follow-up visit for the patient at
22 approximately seven (7) to fourteen (14) days after
23 providing the abortion-inducing drug or drugs to
24 confirm that the pregnancy is completely terminated

1 and to assess the degree of bleeding and other
2 complications, and

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

6 j. that the patient has a private right of action to sue
7 the qualified physician under the laws of this state
8 if she feels that she has been coerced or misled prior
9 to obtaining an abortion, and how to access state
10 resources regarding her legal right to obtain relief;
11 and

12 12. A "qualified physician declaration", which shall be signed
13 by the qualified physician, stating that the qualified physician has
14 explained the abortion-inducing drug or drugs to be used, has
15 provided all of the information required in subsection E of this
16 section, and has answered all of the woman's questions.

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

20 A. The State Board of Medical Licensure and Supervision shall
21 cause to be published in the state-prepared, printed materials on
22 informed consent for abortion and the state-prepared and maintained
23 website on informed consent for abortion the following statement:
24

1 "Information on the potential ability of qualified medical
2 professionals to reverse the effects of an abortion obtained through
3 the use of abortion-inducing drugs is available at
4 www.abortionpillreversal.com, or you can contact (877) 558-0333 for
5 assistance in locating a medical professional that can aid in the
6 reversal of an abortion."

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

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

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

18 A. For the purpose of promoting maternal health and adding to
19 the sum of medical and public health knowledge through the
20 compilation of relevant data, a report of each drug-induced abortion
21 performed shall be made to the State Department of Health on forms
22 prescribed by it. The reports shall be completed by the hospital or
23 other licensed facility in which the abortion-inducing drug was
24 given, sold, dispensed, administered or otherwise provided or

1 prescribed; signed by the qualified physician who gave, sold,
2 dispensed, administered or otherwise provided or prescribed the
3 abortion-inducing drug; and transmitted to the Department within
4 fifteen (15) days after each reporting month.

5 B. Each report shall include, at minimum, the following
6 information:

7 1. Identification of the qualified physician who provided the
8 abortion-inducing drug;

9 2. Whether the chemical abortion was completed at the hospital
10 or licensed facility in which the abortion-inducing drug was
11 provided or at an alternative location;

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

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

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

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

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

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

1 9. Whether the woman returned for a follow-up examination to
2 determine completion of the abortion procedure and to assess
3 bleeding and the date and results of any such follow-up examination,
4 and what reasonable efforts were made by the qualified physician to
5 encourage that she return for a follow-up examination if she did
6 not;

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

9 11. The amount billed to cover the treatment for specific
10 complications including whether the treatment was billed to
11 Medicaid, private insurance, private pay or other method. This
12 shall include charges for any physician, hospital, emergency room,
13 prescription or other drugs, laboratory tests and any other costs
14 for treatment rendered.

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

16 1. The name of the pregnant woman;

17 2. Common identifiers such as her social security number or
18 driver license number; or

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

22 D. If a qualified physician provides an abortion-inducing drug
23 to a pregnant woman for the purpose of inducing an abortion as
24 authorized in Sections 2 and 3 of this act, and if the qualified

1 physician knows that the woman who uses the abortion-inducing drug
2 for the purpose of inducing an abortion experiences, during or after
3 the use of the abortion-inducing drug, an adverse event, the
4 qualified physician shall provide a written report of the adverse
5 event within three (3) days of the event to the Food and Drug
6 Administration via the Medwatch Reporting System, and to the
7 Department and to the State Board of Medical Licensure and
8 Supervision.

9 E. Any physician, qualified physician, associated physician or
10 other healthcare provider who treats a woman, either
11 contemporaneously to or at any time after the procedure, for an
12 adverse event or complication related to a chemical abortion shall
13 make a report of the adverse event to the Department on forms
14 prescribed by it. The reports shall be completed by the hospital or
15 other facility in which the adverse event treatment was provided;
16 signed by the physician, qualified physician or other healthcare
17 provider who treated the adverse event; and transmitted to the
18 Department within (15) days after each reporting month.

19 F. The Department shall prepare a comprehensive annual
20 statistical report for the Legislature based upon the data gathered
21 from reports under this section. The aggregated data shall also be
22 made available to the public by the Department in a downloadable
23 format.

1 G. The Department shall summarize aggregate data from the
2 reports required under this act and submit the data to the Centers
3 for Disease Control and Prevention.

4 H. Reports filed pursuant to this section shall be public
5 records and shall be available to the public in accordance with the
6 confidentiality and public records reporting laws of this state.
7 Copies of all reports filed under this subsection shall be available
8 to the State Board of Medical Licensure and Supervision, State Board
9 of Pharmacy, state law enforcement offices and child protective
10 services for use in the performance of their official duties.

11 I. Absent a valid court order or judicial subpoena, neither the
12 Department, any other state department, agency or office nor any
13 employees thereof shall compare data concerning abortions or
14 abortion complications maintained in an electronic or other
15 information system file with data in any other electronic or other
16 information system with the intention of identifying, in any manner
17 or under any circumstances, a woman obtaining or seeking to obtain a
18 drug-induced abortion.

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

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

4 L. The Department shall communicate the reporting requirements
5 in this section to all medical professional organizations, licensed
6 physicians, hospitals, emergency rooms, abortion facilities,
7 clinics, ambulatory surgical facilities and other healthcare
8 facilities operating in this state.

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

13 N. A physician filing a written report with the Department
14 after treating a woman for complications or otherwise in an
15 emergency capacity shall make reasonable efforts to include all of
16 the required information that may be obtained without violating the
17 privacy of the woman.

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

21 The State Department of Health shall create and distribute the
22 forms required by this act within sixty (60) days after the
23 effective date of this act. No provision of this act requiring the
24 reporting of information on forms published by the Department shall

1 be applicable until ten (10) days after the requisite forms are
2 first created and distributed or until the effective date of this
3 act, whichever is later.

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

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

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

13 C. No criminal penalty may be assessed against the pregnant
14 woman upon whom the drug-induced abortion is attempted, induced or
15 performed.

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

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

22 1. Provide a basis for a civil malpractice action for actual
23 and punitive damages;

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

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

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

6 a. a woman to whom such an abortion-inducing drug was
7 provided,

8 b. a person who is the spouse, parent or guardian of, or
9 a current or former licensed health care provider of,
10 a woman to whom an abortion-producing drug was
11 provided, or

12 c. a prosecuting attorney with appropriate jurisdiction.

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

15 B. No civil liability may be assessed against the pregnant
16 woman upon whom the drug-induced abortion is attempted, induced or
17 performed.

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

1 D. If judgment is rendered in favor of the plaintiff, the court
2 shall also render judgment for reasonable attorney fees in favor of
3 the plaintiff against the defendant.

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

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

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

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

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

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

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

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

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

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

15 Passed the Senate the 10th day of March, 2021.

16
17 _____
18 Presiding Officer of the Senate

19 Passed the House of Representatives the ____ day of _____,
20 2021.

21
22 _____
23 Presiding Officer of the House
24 of Representatives