

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1503 \_\_\_\_\_  
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: Melissa Provenzano

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 1503

By: Daniels and Jett of the  
Senate

6 and

7 Russ of the House

8  
9  
10 FLOOR SUBSTITUTE

11 An Act relating to abortion; creating the Oklahoma  
12 Heartbeat Act; defining terms; prohibiting  
13 performance of abortion except under certain  
14 conditions; requiring certain test to meet specified  
15 criteria; requiring physician to record certain  
16 information; prohibiting performance of abortion  
17 under certain conditions; clarifying allowed conduct;  
18 specifying effect of certain provisions; providing  
19 exception for medical emergency; requiring physician  
20 to record certain information; providing exception  
21 for abortion performed at the behest of federal  
22 entities; providing for and prohibiting certain  
23 enforcement; allowing certain persons to bring  
24 certain civil action; requiring and prohibiting  
certain civil relief; establishing deadline for  
filing of civil action; allowing and disallowing  
certain defenses; prohibiting certain acts by  
specified persons and entities; specifying  
applicability of certain provisions; prohibiting  
certain civil actions; authorizing and prohibiting  
affirmative defense under certain conditions;  
specifying venue for civil action; prohibiting  
certain transfer of venue; granting specified  
entities certain immunities; prohibiting certain  
waiver of immunity; limiting jurisdiction of courts;  
establishing liability for court costs and attorney  
fees; defining term; establishing statute of

1 limitation for bringing certain actions; prohibiting  
2 use of certain defenses; providing for severability;  
3 expressing legislative intent and declarations;  
4 providing for certain interpretation and enforcement;  
5 providing certain construction; amending 12 O.S.  
6 2021, Section 1439, which relates to the Oklahoma  
7 Citizens Participation Act; adding exception;  
8 amending 51 O.S. 2021, Section 255, which relates to  
9 the Oklahoma Religious Freedom Act; limiting  
10 applicability of act; creating certain subsidies;  
11 providing for codification; and declaring an  
12 emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1-745.31 of Title 63, unless  
16 there is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Oklahoma  
18 Heartbeat Act".

19 SECTION 2. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-745.32 of Title 63, unless  
21 there is created a duplication in numbering, reads as follows:

22 As used in this act:

23 1. "Fetal heartbeat" means cardiac activity or the steady and  
24 repetitive rhythmic contraction of the fetal heart within the  
gestational sac;

2. "Gestational age" means the amount of time that has elapsed  
from the first day of a woman's last menstrual period;

1           3. "Gestational sac" means the structure comprising the  
2 extraembryonic membranes that envelop the unborn child and that is  
3 typically visible by ultrasound after the fourth week of pregnancy;

4           4. "Physician" means an individual licensed to practice  
5 medicine in this state including a medical doctor and a doctor of  
6 osteopathic medicine;

7           5. "Pregnancy" means the human female reproductive condition  
8 that:

- 9           a. begins with fertilization,
- 10           b. occurs when the woman is carrying the developing human  
11           offspring, and
- 12           c. is calculated from the first day of the woman's last  
13           menstrual period;

14           6. "Standard medical practice" means the degree of skill, care,  
15 and diligence that an obstetrician of ordinary judgment, learning,  
16 and skill would employ in like circumstances;

17           7. "Unborn child" means a human fetus or embryo in any stage of  
18 gestation from fertilization until birth; and

19           8. "Woman" and "women" include any person whose biological sex  
20 is female including any person with XX chromosomes and any person  
21 with a uterus, regardless of any gender identity that the person  
22 attempts to assert or claim.

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1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-745.33 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. For the purposes of determining the presence of a fetal  
5 heartbeat under this section, "standard medical practice" includes  
6 employing the appropriate means of detecting the heartbeat based on  
7 the estimated gestational age of the unborn child and the condition  
8 of the woman and her pregnancy.

9 B. Except as provided by Sections 5 and 6 of this act, an  
10 abortion may not be performed or induced on a pregnant woman unless  
11 a physician has determined, in accordance with this section, whether  
12 the woman's unborn child has a detectable fetal heartbeat.

13 C. In making a determination under subsection B of this  
14 section, the physician must use a test that is:

15 1. Consistent with the physician's good faith and reasonable  
16 understanding of standard medical practice; and

17 2. Appropriate for the estimated gestational age of the unborn  
18 child and the condition of the pregnant woman and her pregnancy.

19 D. A physician making a determination under subsection B of  
20 this section shall record in the pregnant woman's medical record:

21 1. The estimated gestational age of the unborn child;

22 2. The method used to estimate the gestational age; and

23 3. The test used for detecting a fetal heartbeat including the  
24 date, time, and results of the test.

1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-745.34 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. Except as provided by Sections 5 and 6 of this act, a  
5 physician shall not knowingly perform or induce an abortion on a  
6 pregnant woman if the physician detected a fetal heartbeat for the  
7 unborn child as required by Section 3 of this act or failed to  
8 perform a test to detect a fetal heartbeat.

9 B. A physician shall not be in violation of this section if the  
10 physician performed a test for a fetal heartbeat as required by  
11 Section 3 of this act and did not detect a fetal heartbeat.

12 C. This section shall not affect any provision of state law  
13 that regulates or prohibits abortion including but not limited to  
14 any provision that restricts or regulates an abortion by a  
15 particular method or during a particular stage of pregnancy.

16 SECTION 5. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-745.35 of Title 63, unless  
18 there is created a duplication in numbering, reads as follows:

19 A. Sections 3 and 4 of this act shall not apply if a physician  
20 believes a medical emergency exists that prevents compliance with  
21 this act.

22 B. A physician who performs or induces an abortion under  
23 circumstances described by subsection A of this section shall make  
24 written notations in the pregnant woman's medical record of:

1        1. The physician's belief that a medical emergency necessitated  
2 the abortion; and

3        2. The medical condition of the pregnant woman that prevented  
4 compliance with this act.

5        C. A physician performing or inducing an abortion under this  
6 section shall maintain in the physician's practice records a copy of  
7 the notations made under subsection B of this section.

8        SECTION 6.        NEW LAW        A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1-745.36 of Title 63, unless  
10 there is created a duplication in numbering, reads as follows:

11        Sections 3 and 4 of this act do not apply to an abortion  
12 performed at the behest of federal agencies, contractors, or  
13 employees that are carrying out duties under federal law, if a  
14 prohibition on that abortion would violate the doctrines of  
15 preemption or intergovernmental immunity.

16        SECTION 7.        NEW LAW        A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-745.37 of Title 63, unless  
18 there is created a duplication in numbering, reads as follows:

19        This act shall not be construed to:

20        1. Create or recognize a right to abortion before a fetal  
21 heartbeat is detected;

22        2. Authorize the initiation of a cause of action against or the  
23 prosecution of a woman on whom an abortion is performed or induced  
24 or attempted to be performed or induced in violation of this act;

1 3. Wholly or partly repeal, either expressly or by implication,  
2 any other statute that regulates or prohibits abortion; or

3 4. Restrict a political subdivision from regulating or  
4 prohibiting abortion in any manner.

5 SECTION 8. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-745.38 of Title 63, unless  
7 there is created a duplication in numbering, reads as follows:

8 Notwithstanding any other law, the requirements of this act  
9 shall be enforced exclusively through a private civil action  
10 described in Section 9 of this act. No direct or indirect  
11 enforcement of this act may be taken or threatened by the state, a  
12 political subdivision, a district attorney, or an executive or  
13 administrative officer or employee of this state or a political  
14 subdivision against any person or entity, in any manner whatsoever,  
15 except as provided in Section 9 of this act, and no violation of  
16 this act may be used to justify or trigger the enforcement of any  
17 other law or any type of adverse consequence under any other law,  
18 except as provided in Section 9 of this act; provided, that this  
19 section does not preclude enforcement of any other law or regulation  
20 against conduct that is independently prohibited by such other law  
21 or regulation.

22 SECTION 9. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-745.39 of Title 63, unless  
24 there is created a duplication in numbering, reads as follows:



1       A. Any person, other than the state, its political  
2 subdivisions, and any officer or employee of a state or local  
3 governmental entity in this state, may bring a civil action against  
4 any person who:

5           1. Performs or induces an abortion in violation of this act;

6           2. Knowingly engages in conduct that aids or abets the  
7 performance or inducement of an abortion including paying for or  
8 reimbursing the costs of an abortion through insurance or otherwise,  
9 if the abortion is performed or induced in violation of this act,  
10 regardless of whether the person knew or should have known that the  
11 abortion would be performed or induced in violation of this act; or

12           3. Intends to engage in the conduct described by paragraph 1 or  
13 2 of this subsection.

14       B. If a claimant prevails in an action brought under this  
15 section, the court shall award:

16           1. Injunctive relief sufficient to prevent the defendant from  
17 violating this act or engaging in acts that aid or abet violations  
18 of this act;

19           2. Statutory damages in an amount of not less than Ten Thousand  
20 Dollars (\$10,000.00) for each abortion that the defendant performed  
21 or induced in violation of this act, and for each abortion performed  
22 or induced in violation of this act that the defendant aided or  
23 abetted;

24

1 3. Nominal and compensatory damages if the plaintiff has  
2 suffered harm from the defendant's conduct including but not limited  
3 to loss of consortium and emotional distress; and

4 4. Court costs and attorney fees.

5 C. Notwithstanding subsection B of this section, a court shall  
6 not award relief under paragraphs 2 or 4 of subsection B of this  
7 section in response to a violation of paragraph 1 or 2 of subsection  
8 A of this section if the defendant demonstrates that a court has  
9 already ordered the defendant to pay not less than Ten Thousand  
10 Dollars (\$10,000.00) of statutory damages as provided in paragraph 2  
11 of subsection B of this section in a previous action for that  
12 particular abortion performed or induced in violation of this act,  
13 or for the particular conduct that aided or abetted an abortion  
14 performed or induced in violation of this act.

15 D. Notwithstanding any other law, a person may bring an action  
16 under this section not later than six (6) years after the date the  
17 cause of action accrues.

18 E. Notwithstanding any other law, the following are not a  
19 defense to an action brought under this section:

20 1. Ignorance or mistake of law;

21 2. A defendant's belief that the requirements of this act are  
22 unconstitutional or were unconstitutional;

23 3. A defendant's reliance on any court decision that has been  
24 overruled on appeal or by a subsequent court, even if that court

1 decision had not been overruled when the defendant engaged in  
2 conduct that violates this act;

3 4. A defendant's reliance on any state or federal court  
4 decision that is not binding on the court in which the action has  
5 been brought;

6 5. Non-mutual issue preclusion or non-mutual claim preclusion;

7 6. The consent of the unborn child's mother to the abortion; or

8 7. Any claim that the enforcement of this act or the imposition  
9 of civil liability against the defendant will violate the  
10 constitutional rights of third parties, except as provided by  
11 Section 10 of this act.

12 F. 1. It is an affirmative defense if a person sued under  
13 paragraph 2 or 3 of subsection A of this section reasonably  
14 believed, after conducting a reasonable investigation, that the  
15 individuals and organizations involved with performing or  
16 facilitating the abortion would comply with this act.

17 2. The defendant has the burden of proving an affirmative  
18 defense under paragraph 1 of this subsection by a preponderance of  
19 the evidence.

20 G. This section shall not be construed to impose liability on  
21 any speech or conduct protected by the First Amendment of the United  
22 States Constitution, as made applicable to the states through the  
23 United States Supreme Court's interpretation of the Fourteenth  
24

1 Amendment of the United States Constitution, or by Section 3 or 22  
2 of Article II of the Oklahoma Constitution.

3 H. 1. Notwithstanding any other law, neither the state, nor  
4 any of its political subdivisions, nor any district or county  
5 attorney, nor any executive or administrative officer or employee of  
6 this state or a political subdivision may:

7 a. act in concert or participation with anyone who brings  
8 suit under this section,

9 b. establish or attempt to establish any type of agency  
10 or fiduciary relationship with a plaintiff who brings  
11 suit under this section,

12 c. make any attempt to control or influence a plaintiff's  
13 decision to bring suit under this section or the  
14 plaintiff's conduct of the litigation, or

15 d. intervene in an action brought under this section.

16 2. This subsection shall not prohibit a person or entity  
17 described by this subsection from filing an amicus curiae brief in  
18 the action, so long as that person or entity does not act in concert  
19 or participation with the plaintiff or plaintiffs who sue under this  
20 section or violate any provision of paragraph 1 of this subsection.

21 I. Notwithstanding any other law, a court shall not award court  
22 costs or attorney fees to a defendant in an action brought under  
23 this section.

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1 J. Notwithstanding any other law, a civil action under this  
2 section shall not be subject to any provision of the Oklahoma  
3 Citizens Participation Act, Section 1430 et seq. of Title 12 of the  
4 Oklahoma Statutes, and shall not be subject to any provision of the  
5 Oklahoma Religious Freedom Act, Section 251 et seq. of Title 51 of  
6 the Oklahoma Statutes.

7 K. Notwithstanding any other law, a civil action under this  
8 section shall not be brought:

9 1. Against the woman upon whom an abortion was performed or  
10 induced or attempted to be performed or induced in violation of this  
11 act, or against a pregnant woman who intends or seeks to abort her  
12 unborn child in violation of this act;

13 2. Against any person or entity that performs, aids or abets,  
14 or attempts to perform or aid or abet an abortion at the behest of  
15 federal agencies, contractors, or employees that are carrying out  
16 duties under federal law, if a prohibition on that abortion would  
17 violate the doctrines of preemption or intergovernmental immunity;

18 3. Against any common carrier that transports a pregnant woman  
19 to an abortion provider, if the common carrier is unaware that the  
20 woman intends to abort her unborn child; or

21 4. By a person who impregnated a woman seeking an abortion  
22 through an act of rape, sexual assault, incest, or any other act  
23 prohibited by state law.

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1 SECTION 10. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-745.40 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. 1. A defendant against whom an action is brought under  
5 Section 9 of this act may assert an affirmative defense to liability  
6 under this section if:

7 a. the defendant has standing to assert the rights of  
8 women seeking an abortion under the tests for third-  
9 party standing established by the United States  
10 Supreme Court, and

11 b. the imposition of civil liability on the defendant  
12 will result in an undue burden on a woman or group of  
13 women seeking an abortion.

14 2. The defendant shall bear the burden of proving the  
15 affirmative defense in this subsection by a preponderance of the  
16 evidence.

17 B. The affirmative defense under subsection A of this section  
18 shall not be available if the United States Supreme Court overrules  
19 *Roe v. Wade*, 410 U.S. 113 (1973) or *Planned Parenthood v. Casey*, 505  
20 U.S. 833 (1992), regardless of whether the conduct on which the  
21 cause of action is based under Section 9 of this act occurred before  
22 the Supreme Court overruled either of those decisions.

23 C. Nothing in this section or this act shall in any way limit  
24 or preclude a defendant from asserting the defendant's personal

1 constitutional rights as a defense to liability under Section 9 of  
2 this act, and a court shall not award relief under Section 9 of this  
3 act if the conduct for which the defendant has been sued was an  
4 exercise of state or federal constitutional rights that personally  
5 belong to the defendant.

6 D. Nothing in this section or this act shall limit or preclude  
7 a defendant from asserting the unconstitutionality of any provision  
8 of this act as a defense to liability under Section 9 of this act.

9 SECTION 11. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1-745.41 of Title 63, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. Notwithstanding any other law, a civil action brought under  
13 Section 9 of this act shall be brought in:

14 1. The county in which all or a substantial part of the events  
15 or omissions giving rise to the claim occurred;

16 2. The county of residence for any one of the natural person  
17 defendants at the time the cause of action accrued;

18 3. The county of the principal office in this state of any one  
19 of the defendants that is not a natural person; or

20 4. The county of residence for the claimant if the claimant is  
21 a natural person residing in this state.

22 B. If a civil action is brought under Section 9 of this act in  
23 any one of the venues described by subsection A of this section, the  
24

1 action shall not be transferred to a different venue without the  
2 written consent of all parties.

3 SECTION 12. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-745.42 of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. Notwithstanding any other law, this state has sovereign  
7 immunity, a political subdivision has governmental immunity, and  
8 each officer and employee of this state or a political subdivision  
9 has official immunity in any action, claim, counterclaim, or any  
10 type of legal or equitable action that challenges the validity of  
11 any provision or application of this act, on constitutional grounds  
12 or otherwise, or that seeks to prevent or enjoin the state, its  
13 political subdivisions, or any officer or employee of this state or  
14 a political subdivision from enforcing any provision or application  
15 of this act, unless that immunity has been abrogated or preempted by  
16 federal law in a manner consistent with the Constitution of the  
17 United States.

18 B. Notwithstanding any other law, no provision of state law may  
19 be construed to waive or abrogate an immunity described by  
20 subsection A of this section unless it expressly waives immunity  
21 with specific reference to this section.

22 C. Notwithstanding any other law, no attorney representing this  
23 state, a political subdivision, or any officer or employee of this  
24 state or a political subdivision is authorized or permitted to waive



1 an immunity described in subsection A or take any action that would  
2 result in a waiver of that immunity.

3 D. Notwithstanding any other law, no court of this state shall  
4 have jurisdiction to consider any action, claim, or counterclaim  
5 that seeks declaratory or injunctive relief to prevent this state, a  
6 political subdivision, any officer or employee of this state or a  
7 political subdivision, or any person from enforcing any provision or  
8 application of this act, or from filing a civil action under this  
9 act.

10 E. Nothing in this section or this act shall be construed to  
11 prevent a litigant from asserting the invalidity or  
12 unconstitutionality of any provision or application of this act as a  
13 defense to any action, claim, or counterclaim brought against that  
14 litigant.

15 SECTION 13. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-745.43 of Title 63, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. Notwithstanding any other law, any party including an  
19 entity, attorney, or law firm, who seeks declaratory or injunctive  
20 relief to prevent this state, a political subdivision, any  
21 governmental entity or public official in this state, or any person  
22 in this state from enforcing any statute, ordinance, rule,  
23 regulation, or any other type of law that regulates or restricts  
24 abortion or that limits taxpayer funding for individuals or entities

1 that perform or promote abortions, in any state or federal court, or  
2 that represents any litigant seeking such relief in any state or  
3 federal court, shall be jointly and severally liable for court costs  
4 and attorney fees of the prevailing party.

5 B. For purposes of this section, a party is considered a  
6 prevailing party with respect to a claim or cause of action if a  
7 state or federal court:

8 1. Dismisses that claim or cause of action brought against the  
9 party that seeks the declaratory or injunctive relief described by  
10 subsection A of this section, regardless of the reason for the  
11 dismissal; or

12 2. Enters judgment in the party's favor on that claim or cause  
13 of action.

14 C. Regardless of whether a prevailing party sought to recover  
15 court costs or attorney fees in the underlying action, a prevailing  
16 party under this section may bring a civil action to recover court  
17 costs and attorney fees against a party including an entity,  
18 attorney, or law firm, that sought declaratory or injunctive relief  
19 described by subsection A of this section not later than three (3)  
20 years after the date on which, as applicable:

21 1. The dismissal or judgment described by subsection B of this  
22 section becomes final on the conclusion of appellate review; or

23 2. The time for seeking appellate review expires.

24

1 D. It is not a defense to an action brought under subsection C  
2 of this section that:

3 1. A prevailing party under this section failed to seek  
4 recovery of court costs or attorney fees in the underlying action;

5 2. The court in the underlying action declined to recognize or  
6 enforce the requirements of this section; or

7 3. The court in the underlying action held that any provisions  
8 of this section are invalid, unconstitutional, or preempted by  
9 federal law, notwithstanding the doctrines of issue or claim  
10 preclusion.

11 SECTION 14. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1-745.44 of Title 63, unless  
13 there is created a duplication in numbering, reads as follows:

14 A. Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which  
15 in the context of determining the severability of a state statute  
16 regulating abortion the Supreme Court of the United States held that  
17 an explicit statement of legislative intent is controlling, it is  
18 the intent of the Legislature that every provision, section,  
19 subsection, sentence, clause, phrase, or word in this act, and every  
20 application of the provisions in this act to every person, group of  
21 persons, or circumstances, are severable from each other.

22 B. If any application of any provision in this act to any  
23 person, group of persons, or circumstances is found by a court to be  
24 invalid, preempted, unconstitutional, or to impose an undue burden

1 on any woman or group of women seeking an abortion, then the  
2 remaining applications of that provision to all other persons and  
3 circumstances shall be severed and preserved, and shall remain in  
4 effect. All constitutionally valid applications of the provisions  
5 in this act, and every application of those provisions that can be  
6 enforced without imposing an undue burden on women seeking  
7 abortions, shall be severed from any applications that a court finds  
8 to be invalid, preempted, unconstitutional, or to impose an undue  
9 burden on women seeking abortions, and the valid applications shall  
10 remain in force, because it is the Legislature's intent and priority  
11 that every valid application be allowed to stand alone. Even if a  
12 reviewing court finds a provision of this act to impose an undue  
13 burden in a large or substantial fraction of relevant cases, the  
14 applications that do not present an undue burden shall be severed  
15 from the remaining applications and shall remain in force, and shall  
16 be treated as if the Legislature had enacted a statute limited to  
17 the persons, group of persons, or circumstances for which the  
18 statute's application does not impose an undue burden.

19 C. The Legislature further declares that it would have enacted  
20 this act, and each provision, section, subsection, sentence, clause,  
21 phrase, or word, and all constitutional applications of the  
22 provisions of this act, irrespective of the fact that any provision,  
23 section, subsection, sentence, clause, phrase, or word, or

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1 applications of this act were to be declared invalid, preempted,  
2 unconstitutional, or to impose an undue burden.

3 D. If any provision of this act is found by any court to be  
4 unconstitutionally vague, then the applications of that provision  
5 that do not present constitutional vagueness problems shall be  
6 severed and remain in force, consistent with the severability  
7 requirements of subsections A, B, and C of this section.

8 E. No court may decline to enforce the severability  
9 requirements of subsections A, B, C, and D of this section on the  
10 ground that severance would "rewrite" the statute or involve the  
11 court in legislative or lawmaking activity. A court that declines  
12 to enforce or enjoins a state official from enforcing a statutory  
13 provision does not rewrite a statute, as the statute continues to  
14 contain the same words as before the court's decision. A judicial  
15 injunction or declaration of unconstitutionality:

16 1. Is nothing more than an edict prohibiting enforcement that  
17 may subsequently be vacated by a later court if that court has a  
18 different understanding of the requirements of the Oklahoma  
19 Constitution or United States Constitution;

20 2. Is not a formal amendment of the language in a statute; and

21 3. No more rewrites a statute than a decision by the executive  
22 not to enforce a duly enacted statute in a limited and defined set  
23 of circumstances.

24

1 F. If any state or federal court disregards the severability  
2 requirements of subsections A, B, C, D, and E of this section, and  
3 declares or finds any provision of this act facially  
4 unconstitutional, when there are discrete applications of that  
5 provision that can be enforced against a person, group of persons,  
6 or circumstances without violating federal law, the federal or state  
7 constitutions, or imposing an undue burden on women seeking  
8 abortions, then that provision shall be interpreted, as a matter of  
9 state law, as if the Legislature had enacted a provision limited to  
10 the persons, group of persons, or circumstances for which the  
11 provision's application will not violate federal law, the federal or  
12 state constitutions, or impose an undue burden on women seeking  
13 abortions, and every court shall adopt this saving construction of  
14 that provision until the court ruling that pronounced the provision  
15 facially unconstitutional is vacated or overruled.

16 SECTION 15. AMENDATORY 12 O.S. 2021, Section 1439, is  
17 amended to read as follows:

18 Section 1439. The Oklahoma Citizens Participation Act shall not  
19 apply to:

20 1. An enforcement action that is brought in the name of this  
21 state or a political subdivision of this state by the Attorney  
22 General or a district attorney;

23 2. A legal action brought against a person primarily engaged in  
24 the business of selling or leasing goods or services, if the

1 statement or conduct the action is based upon arises out of the sale  
2 or lease of goods, services, or an insurance product, insurance  
3 services, or a commercial transaction in which the intended audience  
4 is an actual or potential buyer or customer;

5 3. A legal action seeking recovery for bodily injury, wrongful  
6 death or survival or to statements made regarding that legal action;  
7 ~~or~~

8 4. A legal action brought under the Oklahoma Insurance Code or  
9 arising out of an insurance contract; or

10 5. A civil action brought under Section 9 of this act.

11 SECTION 16. AMENDATORY 51 O.S. 2021, Section 255, is  
12 amended to read as follows:

13 Section 255. A. Nothing in this act shall be construed to:

14 1. Authorize any government entity to substantially burden any  
15 religious belief;

16 2. Authorize same sex marriages, unions, or the equivalent  
17 thereof; or

18 3. Affect, interpret, or in any way address those portions of  
19 Article 1, Section 2, and Article 2, Section 5, of the Constitution  
20 of the State of Oklahoma, the Oklahoma Religious Freedom Act, or the  
21 First Amendment to the Constitution of the United States that  
22 prohibit laws respecting the establishment of religion.

23 B. Granting governmental funds, benefits, or exemptions to the  
24 extent permissible under paragraph 3 of subsection A of this section

1 shall not constitute a violation of this section. As used in this  
2 subsection, "granting government funds, benefits, or exemptions"  
3 shall not include the denial of government funding, benefits, or  
4 exemptions. This provision does not in and of itself require  
5 vouchers.

6 C. A civil action brought under Section 9 of this act shall not  
7 be subject to any provision of the Oklahoma Religious Freedom Act.

8 SECTION 17. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1-745.45 of Title 63, unless  
10 there is created a duplication in numbering, reads as follows:

11 REQUIRED CHILDCARE SUBSIDIES: Oklahoma Human Services Department  
12 is required to promulgate regulations establishing child care  
13 subsidies for each child born to a pregnant person denied abortion  
14 access under this chapter, in the amount of \$100,000 paid annually  
15 to the pregnant person required to give birth until the child is  
16 eighteen (18) years of age.

17 SECTION 18. It being immediately necessary for the preservation  
18 of the public peace, health or safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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