

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT


No. 1

COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1225 by substituting the attached floor substitute (Request #3726) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Bullard

I hereby grant permission for the floor substitute to be adopted.



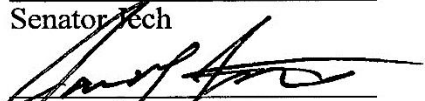
Senator Howard, Chair (required)



Senator Floy

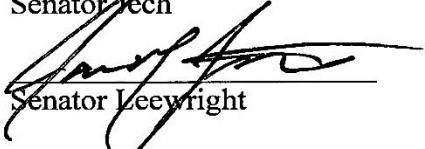


Senator Daniels



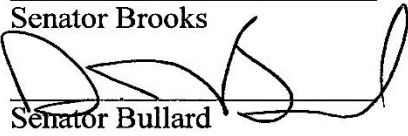
Senator Tech

Senator Boren



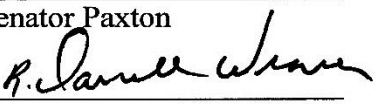
Senator Leewright

Senator Brooks



Senator Bullard

Senator Paxton



Senator Weaver


Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Judiciary committee majority requires six (6) members' signatures.

Bullard-DC-FS-SB1225
3/22/2022 9:34 AM

(Floor Amendments Only)

Date and Time Filed: 3-22-22 10:12 am 

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1225

By: Bullard

6 FLOOR SUBSTITUTE

7 An Act relating to health care; amending 25 O.S.
8 2021, Section 2004, which relates to parental consent
9 to medical treatment of minors; broadening
10 applicability of certain requirement; amending 63
11 O.S. 2021, Section 2602, which relates to minor self-
12 consent to health services; modifying conditions
13 under which a minor may self-consent to health
14 services; requiring parental consent for certain
15 health services; making language gender neutral;
16 updating statutory reference; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 25 O.S. 2021, Section 2004, is
20 amended to read as follows:

21 Section 2004. A. Except as otherwise provided by law, no
22 person, corporation, association, organization, state-supported
23 institution, or individual employed by any of these entities may
24 procure:

1. Procure, solicit to perform, arrange for the performance of,
perform surgical procedures, or perform a physical examination upon
a minor ~~or prescribe~~;

1 2. Prescribe, dispense, or administer any prescription drugs or
2 devices including but not limited to contraceptive drugs or devices
3 to a minor except as provided by Section 2602 of Title 63 of the
4 Oklahoma Statutes;

5 3. Administer any vaccination to a minor; or

6 4. Provide family planning counseling to a minor except as
7 provided by Section 2602 of Title 63 of the Oklahoma Statutes,
8 without first obtaining a written consent of a parent or legal
9 guardian of the minor. Provided, however, that if written consent
10 is provided to a school district for assessment or treatment, such
11 consent shall be effective for the school year for which it is
12 granted and shall be renewed each subsequent school year. If an
13 assessment or treatment is performed through telemedicine at a
14 school site and if consent has been provided by the parent and is
15 currently effective, the health professional shall not be required
16 to verify that the parent is at the site.

17 B. Except as otherwise provided by law, no hospital as defined
18 in Section 1-701 of Title 63 of the Oklahoma Statutes may permit
19 surgical procedures to be performed upon a minor in its facilities
20 without first having received a written consent from a parent or
21 legal guardian of the minor.

22 C. The provisions of this section shall not apply when it has
23 been determined by a physician that an emergency exists and that it
24 is necessary to perform such surgical procedures for the treatment

1 of an injury, illness or drug abuse, or to save the life of the
2 patient, or when such parent or other adult authorized by law to
3 consent on behalf of a minor cannot be located or contacted after a
4 reasonably diligent effort.

5 D. The provisions of this section shall not apply to an
6 abortion, which shall be governed by the provisions of Sections 1-
7 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63
8 of the Oklahoma Statutes or any successor statute.

9 E. A person who violates a provision of this section is guilty
10 of a misdemeanor, punishable by a fine ~~of~~ not more than One Thousand
11 Dollars (\$1,000.00) or imprisonment ~~of~~ not more than one (1) year in
12 the county jail, or by both such fine and imprisonment.

13 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2602, is
14 amended to read as follows:

15 Section 2602. A. Notwithstanding any other provision of law,
16 the following minors may consent to have health services provided by
17 health professionals in the following cases:

18 1. Any minor who is married, has a dependent child or is
19 emancipated;

20 2. Any minor who is separated from his or her parents or legal
21 guardian for whatever reason and is not supported by his or her
22 parents or guardian;

23

24

1 3. Any minor who is or has been ~~pregnant, afflicted~~ diagnosed
2 with ~~any reportable communicable disease,~~ drug and or substance
3 abuse or abusive use of alcohol; ~~provided, however, that such.~~

4 a. Such self-consent only applies to the prevention,
5 diagnosis and treatment of those conditions specified
6 in this ~~section~~ paragraph.

7 b. Any health professional who accepts the responsibility
8 of providing such health services also assumes the
9 obligation to provide counseling for the minor by a
10 health professional.

11 c. If the minor is found not to be ~~pregnant nor~~ suffering
12 from ~~a communicable disease nor~~ drug or substance
13 abuse nor abusive use of alcohol, the health
14 professional shall not reveal any information
15 whatsoever to the spouse, parent or legal guardian,
16 without the consent of the minor;

17 4. Any minor who is or has been pregnant.

18 a. Such self-consent only applies to the prevention,
19 diagnosis, and treatment of the condition specified in
20 this paragraph which may include but not be limited to
21 the receipt of contraceptive drugs, devices, or
22 services or family planning counseling, except as
23 provided by subparagraph b of this paragraph.

24 b. Such self-consent does not apply to:

1 (1) any family planning counseling that includes
2 discussion of abortion, which shall require the
3 consent of the parent or legal guardian as
4 provided by subsection C of this section, or

5 (2) Any minor who has not yet been pregnant, for
6 which the consent of the parent or legal guardian
7 to any prevention, diagnosis, or treatment
8 services described in this paragraph including
9 but not limited to contraceptive drugs, devices,
10 or services or family planning counseling shall
11 be obtained as provided by subsection C of this
12 section.

13 c. Any health professional who accepts the responsibility
14 of providing prevention, diagnosis, or treatment
15 services also assumes the obligation to provide
16 counseling for the minor by a health professional,
17 subject to the limitations provided by subparagraph b
18 of this paragraph and paragraph 2 of subsection C of
19 this section.

20 d. Except for the services described in division 1 of
21 subparagraph b of this paragraph and except in the
22 case of a minor described in division 2 of
23 subparagraph b of this paragraph, if the minor is
24 found not to be pregnant, the health professional

1 shall not reveal any information whatsoever to the
2 spouse, parent, or legal guardian, without the consent
3 of the minor;

4 5. Any minor who is or has been diagnosed with any reportable
5 communicable disease.

6 a. Such self-consent only applies to the prevention,
7 diagnosis, and treatment of the condition specified in
8 this paragraph.

9 b. Such self-consent does not apply to the receipt of any
10 vaccine, which shall require the consent of the parent
11 or legal guardian as provided by subsection C of this
12 section.

13 c. Any health professional who accepts the responsibility
14 of providing prevention, diagnosis, or treatment
15 services also assumes the obligation to provide
16 counseling for the minor by a health professional.

17 d. Except for the service described in subparagraph b of
18 this paragraph, if the minor is found not to be
19 suffering from a communicable disease, the health
20 professional shall not reveal any information
21 whatsoever to the spouse, parent, or legal guardian,
22 without the consent of the minor;

23 6. Any minor parent as to his or her child;
24

1 ~~5.~~ 7. Any spouse of a minor when the minor is unable to give
2 consent by reason of physical or mental incapacity;

3 ~~6.~~ 8. Any minor who by reason of physical or mental capacity
4 cannot give consent and has no known relatives or legal guardian, if
5 two physicians agree on the health service to be given;

6 ~~7.~~ 9. Any minor in need of emergency services for conditions
7 which will endanger ~~his~~ the health or life of the minor if delay
8 would result by obtaining consent from ~~his~~ the spouse, parent or
9 legal guardian of the minor; provided, however, that the prescribing
10 of any medicine or device for the prevention of pregnancy shall not
11 be considered such an emergency service; or

12 ~~8.~~ 10. Any minor who is the victim of sexual assault; provided,
13 however, that such self-consent only applies to a forensic medical
14 examination by a qualified licensed health care professional.

15 B. If any minor falsely represents that he or she may give
16 consent and a health professional provides health services in good
17 faith based upon that misrepresentation, the minor shall receive
18 full services without the consent of the minor's parent or legal
19 guardian and the health professional shall incur no liability except
20 for negligence or intentional harm. Consent of the minor shall not
21 be subject to later disaffirmance or revocation because of his or
22 her minority.

23 ~~B.~~ C. 1. The health professional shall ~~be required to~~ make a
24 reasonable attempt to inform the spouse, parent or legal guardian of

1 the minor of any treatment needed or provided in the emergency
2 circumstances described under paragraph 7 9 of subsection A of this
3 section.

4 2. Except in the case of a minor who meets the criteria
5 provided by paragraph 1 or 2 of subsection A of this section and
6 except in the case of a minor who is or has been pregnant as
7 provided by paragraph 4 of subsection A of this section, the health
8 professional shall obtain the consent of the parent or legal
9 guardian of the minor before providing contraceptive drugs, devices,
10 or services or family planning counseling to the minor. Except in
11 the case of a minor who meets the criteria provided by paragraph 1
12 or 2 of subsection A of this section, the health professional shall
13 obtain the consent of the parent or legal guardian of the minor
14 before providing counseling regarding abortion to any minor
15 regardless of whether the minor is or has been pregnant.

16 3. Except in the case of a minor who meets the criteria
17 provided by paragraph 1 or 2 of subsection A of this section, the
18 health professional shall obtain the consent of the parent or legal
19 guardian of the minor before administering any vaccination to a
20 minor.

21 4. In all other instances the health professional may, but
22 shall not be required, to inform the spouse, parent or legal
23 guardian of the minor of any treatment needed or provided. The
24

1 judgment of the health professional as to notification shall be
2 final, ~~and his.~~

3 5. The disclosure of the health professional shall not
4 constitute libel, slander, the breach of the right of privacy, the
5 breach of the rule of privileged communication or result in any
6 other breach that would incur liability.

7 D. Information about the minor obtained through care by a
8 health professional under the provisions of ~~this act~~ Section 2601 et
9 seq. of this title shall not be disseminated to any health
10 professional, school, law enforcement agency or official, court
11 authority, government agency or official employer, without the
12 consent of the minor, except through specific legal requirements or
13 if the giving of the information is necessary to the health of the
14 minor and public. Statistical reporting may be done when the
15 minor's identity is kept confidential.

16 E. The health professional shall not incur criminal liability
17 for action under the provisions of ~~this act~~ Section 2601 et seq. of
18 this title except for negligence or intentional harm.

19 SECTION 3. This act shall become effective November 1, 2022.

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21 58-2-3726 DC 3/22/2022 10:59:37 AM

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