

1 **SENATE FLOOR VERSION**

2 April 7, 2021

3 ENGROSSED HOUSE  
4 BILL NO. 2441

5 By: Russ, Crosswhite Hader,  
6 Smith, Stearman, Olsen,  
7 West (Kevin), Burns,  
8 Conley, Townley, Grego,  
9 Boles, Fetgatter, Lepak,  
10 Stark, Gann, Dills,  
11 Steagall, McDugle, Roe and  
12 **Kendrix** of the House

13 and

14 Daniels of the Senate

15  
16  
17 An Act relating to abortion; prohibiting the  
18 performance of an abortion upon a woman without first  
19 determining whether there is a detectable fetal  
20 heartbeat; providing exception; limiting exception;  
21 defining terms; providing penalty; providing for  
22 codification; and providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1-731.3 of Title 63, unless  
there is created a duplication in numbering, reads as follows:

A. No person shall perform or induce an abortion upon a  
pregnant woman without first detecting whether or not her unborn  
child has a heartbeat. No person shall perform or induce an  
abortion upon a pregnant woman after such time as her unborn child

1 has been determined to have a detectable heartbeat except if, in  
2 reasonable medical judgment, she has a condition that so complicates  
3 her medical condition that it necessitates the abortion of her  
4 pregnancy to avert her death or to avert serious risk of substantial  
5 and irreversible physical impairment of a major bodily function, not  
6 including psychological or emotional conditions. No such condition  
7 may be determined to exist if it is based on a claim or diagnosis  
8 that the woman will engage in conduct which she intends to result in  
9 her death or in substantial and irreversible physical impairment of  
10 a major bodily function.

11 B. A "detectable heartbeat" shall mean embryonic or fetal  
12 cardiac activity or the steady or repetitive rhythmic contract of  
13 the heart within the gestational sac.

14 C. "Reasonable medical judgment" means a medical judgment that  
15 would be made by a reasonably prudent physician, knowledgeable about  
16 the case and the treatment possibilities with respect to the medical  
17 conditions involved.

18 D. Any person violating subsection A of this section shall be  
19 guilty of homicide.

20 SECTION 2. This act shall become effective November 1, 2021.

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
22 April 7, 2021 - DO PASS  
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