

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB3700</b>
<b>Version:</b>	<b>INT</b>
<b>Request Number:</b>	<b>10251</b>
<b>Author:</b>	<b>Russ</b>
<b>Date:</b>	<b>2/22/2022</b>
<b>Impact:</b>	<b>No impact</b>

**Research Analysis**

The PCS to HB 3700 prohibits a physician from performing or inducing an abortion on a pregnant woman unless the physician has determined whether the woman's unborn child has a detectable heartbeat. In making such determination, the physician is required to use a test with certain conditions. If a fetal heartbeat is detected for the unborn child, the physician is prohibited from performing or inducing an abortion.

The PCS specifies that a physician will not be in violation of this provision if the physician performed a test for a fetal heartbeat as required by this act and did not detect a fetal heartbeat. This act will not affect any provision of state law that regulates or prohibits abortion.

The PCS provides an exception to this bill if the physician believes a medical emergency exists that prevents compliance with this act. Certain written notations in the pregnant woman's medical record is required by physicians who perform or induce an abortion under circumstances described in this act. The PCS provides the criteria for and prohibiting certain enforcement.

The requirements of this measure will be enforced exclusively through private civil actions described in this act. The PCS allows any person other than an officer or employee of a state or local government entity to bring a civil action against any person who

- performs an abortion in violation of this act;
- knowingly engages in conduct that aids or abets the performance or inducement of an abortion;
- intends to engage in the conduct described in this provision.

The PCS provides liabilities for court costs and attorney's fees and prohibits the use of certain defenses. The PCS adds an exception to the Oklahoma Citizens Participation Act, and it specifies that a civil action brought under Section 9 of this act will not be subject to any provision of the Oklahoma Religious Freedom Act.

Prepared By: Dan Brooks

**Fiscal Analysis**

After review, the PCS1 to HB3700 has no fiscal considerations to the state.

Prepared By: Stacy Johnson

**Other Considerations**

None.

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