BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	**SB778**
Version:	**ENGR**
Request Number:	
Author:	**Rep. Lepak and Sen. Daniels**
Date:	**3/25/2021**
Impact:	**$42,000 First year; $21,600 after**

Research Analysis

SB 778 creates the Oklahoma Abortion-Inducing Drug Risk Protocol Act. The measure requires that abortion inducing drugs be provided only by qualified physicians that follow procedures outlined in this measure. The measure prohibits any person from providing any abortion-inducing drug via courier, delivery or by mail service.

Qualified physicians providing an abortion-inducing drug are required to examine the woman in person and must verify that a pregnancy exists, determine the woman's blood type, and if she is Rh negative, and offer to administer RhoGAM at the time of the abortion. Physicians must also inform the patient that she may see the remains or her unborn child in the process of completing the abortion and document in the patient's medical chart, the gestational age and intrauterine location of the pregnancy, and note whether the patient received treatment for Rh negativity. The physician must then schedule a follow-up exam 7-14 days after the procedure.

The measure requires that qualified physicians that provide an abortion-inducing drug be credentialed and competent to handle complication management or have signed a contract with an associated physician who is credentialed to handle complications.

The measure prohibits abortion-inducing drugs from being provided to any school facility in the state. The measure also prohibits abortion-inducing drugs from being provided without informed consent. Informed consent to a chemical abortion must be obtained at least seventy-two hours before the abortion-inducing drug is provided to the pregnant woman unless compliance would pose a greater risk to the mother as outlined in the measure.

The measure provides the requirements for a valid consent form and an acknowledgement of risks and consent statement.

The measure requires the State Board of Medical Licensure and Supervision to publish and update the informed consent for abortion form and to publish information about reversing the effects of an abortion by abortion-inducing drugs via website and other printed materials provided by the state. Additionally, the State Department of Health shall receive a report from each facility providing abortions using the consent forms to promote maternal health. Using these reports, the Department shall compile a comprehensive annual statistical report for the Legislature. The measure provides for the confidentiality of each patient to be maintained. Physicians must report any adverse health event relating to the administration of an abortion-inducing drug to the Department.

Any person found to have violated the provisions of this measure shall be guilty of a misdemeanor or a felony if the person fraudulently used an abortion-inducing drug. Persons found to have violated the provisions of this measure shall be subject to professional and civil penalties.

The Legislature may also appoint one or more members who sponsored or cosponsored this measure to intervene as a matter of right in any case in which the constitutionality of this act is challenged. The measure provides for severability of its provisions if they are found to be unconstitutional while allowing the remaining provisions of the act to remain effective.

Prepared By: Dan Brooks

Fiscal Analysis

SB 778 will require OSDH to create certain forms and reporting practices relating to abortion inducing drugs. The Department will also prepare a comprehensive report based on data submitted to the agency. OSDH estimates a first-year cost $42,400 with an annual cost of $21,600 from year two forward.

FY'22 Impact: $42,000.00

Full Year Impact: $21,600.00

Prepared by: State Department of Health

Other Considerations

None.