

## BILL SUMMARY

1<sup>st</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB779</b>
<b>Version:</b>	<b>ENGR</b>
<b>Request Number:</b>	<b>NA</b>
<b>Author:</b>	<b>Lepak</b>
<b>Date:</b>	<b>4/6/2021</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

### Research Analysis

SB 779 creates the Oklahoma Abortion-Inducing Drug Certification Program Act. This act applies to any physician, health care provider or person who is providing abortion-inducing drugs for use within this state or any manufacturer or distributor providing abortion-inducing drugs within the state.

The measure directs the State Board of Pharmacy to promulgate rules to create a certification program to oversee and regulate the provision of abortion-inducing drugs which shall be known as the Oklahoma Abortion-Inducing Drug Certification Program. The measure prohibits abortion-inducing drugs to be provided directly to the patient through the mail or outside the parameters of the Oklahoma Abortion-Inducing Drug Certification Program. The measure provides the requirements for manufacturers and distributors of abortion-inducing drugs and the physicians providing them.

The measure requires the State Board of Pharmacy to adopt a certification system for any manufacturer or distributor intending to provide abortion-inducing drugs and a certification system for physicians providing the drugs in the state. Additionally, the measure provides the certification requirements for eligibility. Additionally, the measure outlines the requirements for certified physicians.

The measure requires the State Board of Pharmacy to adopt an electronically based reporting system for certified physicians to annually report the demographics, medication used, complicating and adverse events, unresolved cases, and number of patients served.

Individuals or entities not certified that provide drugs for the purpose of inducing abortions are in violation of this act. Any person found to have distributed an abortion-inducing drug to persons not qualified to administer such drugs shall be guilty of a misdemeanor or a felony if a drug is provided to a pregnant woman without her knowledge. Persons found to have violated the provisions of this measure shall be subject to professional and civil penalties. Additionally, the State Board of Pharmacy shall levy a fine of not less than \$5 million on manufacturers and \$250,000.00 for physicians who violate the provisions of this measure. The Board must also develop on its website a complaint portal for patients, pharmacy, nursing, medical professionals, and the public to submit information about potential violations. The Board must review each complaint and determine a disposition including referral to another appropriate state agency, within thirty days.

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.

The measure provides the powers and duties of the State Board of Pharmacy. Lastly, the measure broadens the power to establish and collect fees for licenses by including the Oklahoma Abortion-Inducing Drug Certification Program Act.

Prepared By: Dan Brooks

### **Fiscal Analysis**

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

### **Other Considerations**

None.