

1 ENGROSSED HOUSE
2 BILL NO. 3013

By: Crosswhite Hader, Olsen,
Talley, McDugle, and
Maynard of the House

3
4 and

Bullard of the Senate
5
6
7

8 An Act relating to abortion-inducing drugs; defining
9 terms; prohibiting trafficking of certain drugs;
10 providing for felony; providing exceptions; providing
11 for codification; and providing an effective date.

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-756.30 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 A. As used in this act:

18 1. "Abortion" means the use or prescription of any instrument,
19 medicine, drug, or any other substance or device intentionally to
20 terminate the pregnancy of a female known to be pregnant with an
21 intention other than to increase the probability of a live birth, to
22 preserve the life or health of the child after live birth, to remove
23 an ectopic pregnancy, or to remove a dead unborn child who died as
24

1 the result of a spontaneous miscarriage, accidental trauma, or a
2 criminal assault on the pregnant female or her unborn child;

3 2. "Abortion-inducing drug" means a medicine, drug, or any
4 other substance prescribed or dispensed with the intent of inducing
5 an abortion. This includes off-label use of drugs known to have
6 abortion-inducing properties, which are prescribed specifically with
7 the intent of causing an abortion, such as misoprostol (Cytotec) and
8 methotrexate. This definition does not apply to drugs that may be
9 known to cause an abortion but which are prescribed for other
10 medical indications, such as chemotherapeutic agents or diagnostic
11 drugs, or for treatment of an ectopic pregnancy or spontaneous
12 miscarriage;

13 3. "Preventive contraception" means any drug, chemical,
14 biological product, or device used with the intent to prevent
15 pregnancy and that is used in accordance with manufacturer
16 instructions;

17 4. "Trafficking" means the act of buying, selling, or
18 delivering medicine, drugs, or any substance illegally; and

19 5. "Unborn child" means the unborn offspring of human beings
20 from the moment of conception, through pregnancy, and until live
21 birth, including the human conceptus, zygote, morula, blastocyst,
22 embryo, and fetus.

23

24

1 B. A person who knows or has reason to know that another person
2 intends to use an abortion-inducing drug to cause an unlawful
3 abortion and who knowingly or intentionally:

4 1. Delivers an abortion-inducing drug to that person; or

5 2. Possesses an abortion-inducing drug with the intent to
6 deliver the abortion-inducing drug to that person,

7 commits trafficking in an abortion-inducing drug and is guilty of a
8 felony upon conviction.

9 C. A person convicted of trafficking or attempting to traffic
10 abortion-inducing drugs shall be guilty of a felony punishable by a
11 fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by
12 confinement in the custody of the Department of Corrections for a
13 term not to exceed ten (10) years, or by both such fine and
14 imprisonment.

15 D. This act does not apply to a pharmacist or a manufacturer or
16 distributor of drugs or surgical supplies who lawfully manufactures,
17 possesses, offers, sells, or distributes, in the usual course of
18 that entity's business or profession, any drug, medicine, or
19 instrument intended for any lawful medical purpose.

20 E. Nothing in this act may be construed to prohibit the use,
21 sale, prescription, or administration of a preventive contraceptive
22 measure, drug, chemical, or device if the preventive contraceptive
23 measure, drug, chemical, or device is used, sold, prescribed, or
24 administered in accordance with manufacturer instructions.

