

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1537

By: Olsen of the House

and

Bullard of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to abortion; amending Section 1,
12 Chapter 11, O.S.L. 2022 (63 O.S. Supp. 2023, Section
13 1-731.4), which relates to prohibition of abortions;
14 modifying definitions; modifying provisions related
15 to abortion; prescribing standard based upon
16 preservation of the life of a pregnant woman; and
17 declaring an emergency.

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

19 SECTION 1. AMENDATORY Section 1, Chapter 11, O.S.L. 2022
20 (63 O.S. Supp. 2023, Section 1-731.4), is amended to read as
21 follows:

22 Section 1-731.4 A. ~~As used in this section:~~

23 ~~1.~~ The terms "abortion" and "unborn child" shall have the same
24 meaning as provided by Section 1-730 of Title 63 of the Oklahoma
Statutes; ~~and~~

1 2. ~~"Medical emergency" means a condition which cannot be~~
2 ~~remedied by delivery of the child in which an abortion is necessary~~
3 ~~to preserve the life of a pregnant woman whose life is endangered by~~
4 ~~a physical disorder, physical illness or physical injury including a~~
5 ~~life-endangering physical condition caused by or arising from the~~
6 ~~pregnancy itself.~~

7 B. 1. Notwithstanding any other provision of law, a person
8 shall not purposely perform or attempt to perform an abortion ~~except~~
9 ~~to save~~ unless necessary to preserve the life of a pregnant woman ~~in~~
10 ~~a medical emergency.~~ The person performing or attempting to perform
11 an abortion shall prioritize preserving both the life of the
12 pregnant woman and the life of the baby, if however, the person
13 judges the birth of the baby to be a threat to the life of the
14 pregnant woman, then an abortion may be performed to preserve the
15 life of the pregnant woman.

16 2. A person convicted of performing or attempting to perform an
17 abortion shall be guilty of a felony punishable by a fine not to
18 exceed One Hundred Thousand Dollars (\$100,000.00), or by confinement
19 in the custody of the Department of Corrections for a term not to
20 exceed ten (10) years, or by both such fine and imprisonment.

21 3. This section does not:

- 22 a. authorize the charging or conviction of a woman with
23 any criminal offense in the death of her own unborn
24 child, or

1 b. prohibit the sale, use, prescription or administration
2 of a contraceptive measure, drug or chemical if the
3 contraceptive measure, drug or chemical is
4 administered before the time when a pregnancy could be
5 determined through conventional medical testing and if
6 the contraceptive measure, drug or chemical is sold,
7 used, prescribed or administered in accordance with
8 manufacturer instructions.

9 4. It is an affirmative defense to prosecution under this
10 section if a licensed physician provides medical treatment to a
11 pregnant woman which results in the accidental or unintentional
12 injury or death to the unborn child.

13 SECTION 2. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/22/2024 -
19 DO PASS, As Amended and Coauthored.