



1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-758.1 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Oklahoma Life  
5 is a Human Right Act".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1-758.2 of Title 63, unless  
8 there is created a duplication in numbering, reads as follows:

9 As used in this section:

10 1. "Abortion" means the act of using or prescribing any  
11 instrument, medicine, drug, or any other substance, device, or means  
12 with the intent to terminate the clinically diagnosable pregnancy of  
13 a woman with knowledge that the termination by those means will,  
14 with reasonable likelihood, cause the death of the unborn child.  
15 Such use, prescription, or means is not an abortion if done with the  
16 intent to:

- 17 a. save the life or preserve the health of the unborn  
18 human being,
- 19 b. remove a dead unborn human being caused by  
20 miscarriage,
- 21 c. remove an ectopic pregnancy, or
- 22 d. perform a pre-viability separation procedure when such  
23 procedure is necessary to preserve the life of the  
24 pregnant woman;

1           2. "Born alive" means the complete expulsion or extraction from  
2 the pregnant woman of a human infant, at any stage of development,  
3 who, after such expulsion or extraction, breathes, has a beating  
4 heart, or has definite movement of voluntary muscles, regardless of  
5 whether the umbilical cord has been cut and regardless of whether  
6 the expulsion or extraction occurs as a result of natural or induced  
7 labor, Cesarean section, pre-viability separation procedure, or  
8 other method;

9           3. "Conception" means the fusion of a human spermatozoon with a  
10 human ovum;

11           4. "Department" means the State Department of Health;

12           5. "Ectopic pregnancy" means the state of carrying an unborn  
13 human being outside of the uterine cavity;

14           6. "Health care provider" means any individual who may be asked  
15 to participate in any way in a health care service or procedure,  
16 including, but not limited to, the following: a physician,  
17 physician's assistant, nurse, nurse's aide, medical assistant,  
18 hospital employee, medical facility employee, or medical clinic  
19 employee;

20           7. "Gestational age" or "probable gestation age" means the age  
21 of an unborn human being as calculated from the first day of the  
22 last menstrual period of the pregnant woman;

23           8. "Miscarriage" means a spontaneous loss of embryo or fetal  
24 life;

1           9. "Necessary to preserve the life of a pregnant woman" means  
2 that, at any point in pregnancy, a pregnant woman's physician has  
3 determined to a reasonable degree of medical certainty or  
4 probability that the continuation of the pregnancy will endanger the  
5 woman's life due to the pregnancy itself or due to a medical  
6 condition that the woman is either currently suffering or likely to  
7 suffer during the pregnancy. In making this determination, absolute  
8 certainty is not required; however, a mere possibility or  
9 speculation shall be insufficient;

10           10. "Pregnant" means the human female reproductive condition of  
11 having a living unborn human being within her body throughout every  
12 stage of the unborn human being's life and development, from  
13 fertilization to full gestation and childbirth;

14           11. "Unborn child" or "unborn human being" means an individual  
15 living member of the species Homo sapien from conception to full  
16 gestation and childbirth;

17           12. "Pre-viability" means before that stage of fetal  
18 development when, in the reasonable medical judgment of the  
19 physician based on the particular facts of the case before him or  
20 her and in light of the most advanced medical technology and  
21 information available to him or her, there is a reasonable  
22 likelihood of sustained survival of the unborn human being outside  
23 the body of his or her mother, with or without artificial support;

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1 13. "Physician" means a person licensed to practice medicine in  
2 Oklahoma;

3 14. "Separation procedure" means a medical procedure performed  
4 by a physician to remove an unborn human being from his or her  
5 mother's uterus. The term does not include an abortion as defined  
6 by this act;

7 15. "Woman" means any person whose biological sex is female  
8 based upon the person's genetics and reproductive anatomy.

9 SECTION 3. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1-758.3 of Title 63, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. No person may knowingly administer to, prescribe for, or  
13 sell to any pregnant woman any medicine, drug, or other substance  
14 with the specific intent of causing or abetting an abortion.

15 B. No person may knowingly use or employ any instrument,  
16 device, means, or procedure upon a pregnant woman with the specific  
17 intent of causing or abetting an abortion.

18 SECTION 4. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-758.4 of Title 63, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. When performing a pre-viability separation procedure as  
22 permitted under this act, the physician shall make reasonable  
23 medical efforts under the circumstances to preserve both the life of  
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1 the pregnant woman and the life of her unborn child in a manner  
2 consistent with reasonable medical practice.

3 B. If the child is born alive following a pre-viability  
4 separation procedure, any health care provider present shall  
5 exercise the same degree of professional skill, care, and diligence  
6 to preserve the life and health of the child as a reasonably  
7 diligent and conscientious health care provider would render to any  
8 other child born alive at the same gestational age.

9 C. The requirements of this section shall not be construed to  
10 prevent a child's parents or guardian from refusing to give consent  
11 to medical treatment or surgical care which is not medically  
12 necessary or reasonable, including care or treatment which:

- 13 1. Is not necessary to save the life of the child;
- 14 2. Has a potential risk to the child's life or health that  
15 outweighs the potential benefit to the child with the treatment or  
16 care; or
- 17 3. Will do no more than temporarily prolong the act of dying  
18 when death is imminent.

19 SECTION 5. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-758.5 of Title 63, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. In every case in which a physician performs a pre-viability  
23 separation procedure as permitted under this act, the physician  
24 shall, within fifteen (15) days, cause to be filed with the State

1 Department of Health, on a form supplied by the Department, a report  
2 containing the following information:

3 1. A unique patient identifier provided by the Department that  
4 would, if legally required, allow the Department to identify the  
5 woman upon whom the pre-viability separation procedure was  
6 performed;

7 2. Date the pre-viability separation procedure was performed;

8 3. The probable gestational age of the unborn human being and  
9 the method used to calculate gestational age;

10 4. A statement declaring that the pre-viability separation  
11 procedure was necessary to preserve the life of the pregnant woman;  
12 and

13 5. Specific medical indications supporting the determination  
14 that pre-viability separation procedure was necessary to preserve  
15 the life of the pregnant woman.

16 B. The physician shall sign the form as his or her attestation  
17 under oath that the information stated thereon is true and correct  
18 to the best of his or her knowledge.

19 SECTION 6. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-758.6 of Title 63, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. The State Department of Health shall create the forms  
23 required by this act within thirty (30) days after the effective  
24 date of this act. No provision of this act requiring the reporting

1 of information on forms published by the Department shall be  
2 applicable until ten (10) days after the requisite forms have been  
3 made available or the effective date of this act, whichever is  
4 later.

5 B. The Department shall establish a confidential system of  
6 creating and distributing unique patient identifiers to be used for  
7 the reporting requirements of this act. It shall create this system  
8 within thirty (30) days after the effective date of this act.

9 C. Unless required by a court order, the Department shall not  
10 release personally identifiable patient or physician information  
11 obtained under this act.

12 SECTION 7. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-758.7 of Title 63, unless  
14 there is created a duplication in numbering, reads as follows:

15 A. Medical treatment provided to the pregnant woman by a  
16 physician which results in the accidental or unintentional injury to  
17 or the death of her unborn child is not a violation of Section 3 of  
18 this act.

19 B. Nothing in this act may be construed to prohibit the use,  
20 sale, prescription, or administration of a contraceptive measure,  
21 drug, chemical, or device if the contraceptive measure, drug,  
22 chemical, or device is used, sold, prescribed, or administered in  
23 accordance with manufacturer instructions and is not used, sold,  
24 prescribed, or administered with the specific intent to cause or

1 induce an abortion or to prevent the implantation of a fertilized  
2 egg.

3 SECTION 8. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-758.8 of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. A physician who intentionally or knowingly violates the  
7 prohibition in Section 3 of this act commits an act of  
8 unprofessional conduct and his or her license to practice medicine  
9 in Oklahoma shall be suspended or revoked for a minimum of one (1)  
10 year pursuant to Title 435 of the Oklahoma Administrative Code.

11 B. In addition to whatever remedies are available under the  
12 common or statutory law of this state, failure to comply with the  
13 requirements of this act shall provide a basis for a civil  
14 malpractice action for actual and punitive damages.

15 C. No civil penalty may be assessed against a pregnant woman.

16 SECTION 9. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-758.9 of Title 63, unless  
18 there is created a duplication in numbering, reads as follows:

19 The Oklahoma Attorney General shall have authority to bring an  
20 action in law or equity to enforce the provisions of this act on  
21 behalf of the State Commissioner of Health.

22 SECTION 10. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-758.10 of Title 63, unless  
24 there is created a duplication in numbering, reads as follows:

1 The Speaker of the Oklahoma House of Representatives may appoint  
2 one or more of its members to intervene as a matter of right in any  
3 case in which the constitutionality or enforceability of this act is  
4 challenged pursuant to Section 2024 of Title 12 of the Oklahoma  
5 Statutes.

6 SECTION 11. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1-758.11 of Title 63, unless  
8 there is created a duplication in numbering, reads as follows:

9 It is the intent of the Oklahoma Legislature that every  
10 provision of this act shall operate with equal force and shall be  
11 severable one from the other and that, in the event that any  
12 provision of this act shall be held invalid or unenforceable by a  
13 court of competent jurisdiction, said provision shall be deemed  
14 severable and the remaining provisions of this act deemed fully  
15 enforceable.

16 SECTION 12. This act shall become effective November 1, 2024.

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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/15/2024 -  
19 DO PASS, As Coauthored.

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