

1 **SENATE FLOOR VERSION**

2 February 23, 2023

3 SENATE BILL NO. 538

By: Treat

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5
6 An Act relating to childbirth; amending 63 O.S. 2021,
7 Section 1-740.16, which relates to definitions used
8 in the Choosing Childbirth Act; modifying definition;
9 amending 63 O.S. 2021, Section 1-740.17, which
10 relates to grants to private organizations for
11 services; modifying grantmaking authority of the
12 State Department of Health; describing methods of
13 making grants and approving grant amounts;
14 stipulating additional reimbursable services;
15 extending time period of certain services; adding and
16 updating statutory references; amending 63 O.S. 2021,
17 Section 1-740.18, which relates to grant compliance
18 and monitoring; conforming language; updating
19 statutory language; providing an effective date; and
20 declaring an emergency.

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

22 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-740.16, is
23 amended to read as follows:

24 Section 1-740.16. As used in the Choosing Childbirth Act:

1. "Abortion" means the use or prescription of any instrument,
21 medicine, drug or any other substance or device to intentionally:

22 a. kill the unborn child of a woman known to be pregnant,

23 or

1 b. terminate the pregnancy of a woman known to be
2 pregnant, with an intention other than:

3 (1) after viability of the unborn child, to produce a
4 live birth and preserve the life and health of
5 the child born alive, or

6 (2) to remove a dead unborn child;

7 2. "Unborn child" means an individual organism of the species
8 Homo sapiens from fertilization until birth; and

9 3. "Grant-supervising entity" means a private entity which
10 approves all grants made under the Choosing Childbirth Act that are
11 not directly made to private organizations by the State Department
12 of Health for reimbursement of services provided under the Choosing
13 Childbirth Act and which:

14 a. is organized as a not-for-profit corporation in
15 Oklahoma and as a 501(c)3 entity under the federal
16 Internal Revenue Code, and

17 b. does not encourage or counsel any woman to have an
18 abortion not necessary to prevent her death, to
19 provide her such an abortion or to refer her for such
20 an abortion, and does not accept funds or services
21 knowingly from any entity which performs abortions or
22 receives money for abortions.

23 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-740.17, is
24 amended to read as follows:

1 Section 1-740.17. A. The State Department of Health shall make
2 grants, as directed in subsection B of this section, from funds
3 appropriated by the Legislature ~~specifically for this purpose, to a~~
4 ~~grant-supervising entity for the purpose of reimbursing~~ for the
5 Choosing Childbirth Act.

6 B. The purpose of the grants shall be to reimburse private
7 organizations in ~~Oklahoma~~ this state for the reasonable expenses of
8 programs providing the ~~following~~ services: listed in subsection C of
9 this section. The Department shall make grants either:

10 1. Directly to the private organizations;

11 2. To one or more grant-supervising entities, who shall
12 reimburse the private organizations; or

13 3. Both directly to the private organizations and to one or
14 more grant-supervising entities, who shall reimburse the private
15 organizations.

16 C. Reimbursable services provided under the Choosing Childbirth
17 Act shall include:

18 1. Providing information on, referral to and assistance in
19 securing the services of relevant existing programs or agencies that
20 assist women in ~~Oklahoma~~ this state to carry their children to term,
21 and/or providing services that assist women to carry their children
22 to term including, but not limited to, agencies and programs that
23 will provide:

24

- a. medical attention for the pregnant woman for the duration of her pregnancy including, but not limited to, obstetric ultrasounds,
- b. mental health and substance abuse services,
- c. nutritional support services,
- d. housing assistance,
- e. transportation assistance,
- f. adoption services,
- g. education and employment assistance, and
- h. parenting education and support services;

2. Providing women in ~~Oklahoma~~ this state, in person and through community outreach, information and/or services that encourage and assist them to carry their children to term; and

3. Providing services including, but not limited to, healthcare services to mothers and infants up to three (3) years postpartum for the purpose of reducing the rates of maternal mortality and infant mortality in this state by three percent (3%) ~~within five (5) years of the effective date of this act~~ not later than July 1, 2026; provided, however, no funds shall be provided to an organization that provides, or whose affiliates provide, abortion services.

~~B.~~ D. To be eligible for a service grant, an organization shall:

1. Be registered with the ~~Oklahoma~~ Secretary of State as a not-for-profit corporation located in Oklahoma;

1 2. Have the grant amount approved by a:

2 a. the grant-supervising entity, if the grant was
3 provided to the private organization by a grant-
4 supervising entity, or

5 b. the Department, if the grant was provided directly to
6 the private organization by the Department;

7 3. For services described in paragraphs 1 and 2 of subsection A
8 C of this section, provide each pregnant woman counseled with
9 accurate information on the developmental characteristics of unborn
10 children including offering the printed information described in
11 Section 1-738.3 of Title 63 of the Oklahoma Statutes;

12 4. Assure that the grant's sole purposes are to assist and
13 encourage women to carry their children to term and to maximize
14 their potentials thereafter as provided in paragraphs 1 and 2 of
15 subsection C of this section or to reduce the rates of maternal
16 mortality and infant mortality in this state as provided in
17 paragraph 3 of subsection A C of this section; and

18 5. Assure that none of the funds provided pursuant to the
19 Choosing Childbirth Act, nor any other funds or services provided by
20 the organization, are used to encourage or counsel a woman to have
21 an abortion not necessary to prevent her death, to provide her such
22 an abortion or to refer her for such an abortion.

23 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-740.18, is
24 amended to read as follows:

1 Section 1-740.18. The State Department of Health shall ~~make~~
2 ~~grants to a grant supervising entity under the Choosing Childbirth~~
3 ~~Act from funds appropriated by the Legislature specifically for this~~
4 ~~purpose.~~ The State Department of Health shall annually monitor and
5 review ~~the~~ any grant-supervising entity participating in the
6 Choosing Childbirth Act and any private organization directly
7 receiving a service grant from the Department to ~~assure~~ ensure that
8 the grant-supervising entity or private organization carefully
9 adheres to the purposes and requirements of the Choosing Childbirth
10 Act, ~~and it.~~ The Department shall cease funding a grant-supervising
11 entity or private organization that fails to ~~do so~~ adhere to such
12 purposes and requirements if the Department proves specific findings
13 of noncompliance, subject to judicial review.

14 SECTION 4. This act shall become effective July 1, 2023.

15 SECTION 5. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
February 23, 2023 - DO PASS
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