

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1796

By: Dahm

AS INTRODUCED

An Act relating to abortion; amending Section 1, Chapter 11, O.S.L. 2022 (63 O.S. Supp. 2023, Section 1-731.4), which relates to prohibition of abortion; updating statutory reference; removing definition; modifying certain exception; and declaring an emergency.

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

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

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

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

~~2. "Medical emergency" means a condition which cannot be remedied by delivery of the child in which an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness or physical injury including a~~

1 ~~life-endangering physical condition caused by or arising from the~~
2 ~~pregnancy itself~~ this title.

3 B. ~~1.~~ Notwithstanding any other provision of law, a person
4 shall not purposely perform or attempt to perform an abortion except
5 to ~~save~~ preserve the life of a pregnant woman ~~in a medical~~
6 ~~emergency.~~

7 ~~2.~~ C. 1. A person convicted of performing or attempting to
8 perform an abortion shall be guilty of a felony punishable by a fine
9 not to exceed One Hundred Thousand Dollars (\$100,000.00), or by
10 confinement in the custody of the Department of Corrections for a
11 term not to exceed ten (10) years, or by such fine and imprisonment.

12 ~~3.~~ 2. This section does not:

- 13 a. authorize the charging or conviction of a woman with
14 any criminal offense in the death of her own unborn
15 child, or
16 b. prohibit the sale, use, prescription or administration
17 of a contraceptive measure, drug or chemical if the
18 contraceptive measure, drug or chemical is
19 administered before the time when a pregnancy could be
20 determined through conventional medical testing and if
21 the contraceptive measure, drug or chemical is sold,
22 used, prescribed or administered in accordance with
23 manufacturer instructions.

1 ~~4.~~ 3. It is an affirmative defense to prosecution under this
2 section if a licensed physician provides medical treatment to a
3 pregnant woman which results in the accidental or unintentional
4 injury or death to the unborn child.

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

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