

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 731

By: Dahm

AS INTRODUCED

An Act relating to abortion; amending Section 2, Chapter 190, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-745.32) and Section 1, Chapter 321, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-745.51), which relate to definitions; adding and modifying definitions of abortion; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 190, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-745.32), is amended to read as follows:

Section 1-745.32. As used in this act:

1. "Abortion" has the same meaning as provided by Section 1-730 of this title;

2. "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac;

~~2.~~ 3. "Gestational age" means the amount of time that has elapsed from the first day of a woman's last menstrual period;

1       ~~3.~~ 4. "Gestational sac" means the structure comprising the  
2 extraembryonic membranes that envelop the unborn child and that is  
3 typically visible by ultrasound after the fourth week of pregnancy;

4       ~~4.~~ 5. "Physician" means an individual licensed to practice  
5 medicine in this state including a medical doctor and a doctor of  
6 osteopathic medicine;

7       ~~5.~~ 6. "Pregnancy" means the human female reproductive condition  
8 that:

- 9           a. begins with fertilization,  
10           b. occurs when the woman is carrying the developing human  
11                offspring, and  
12           c. is calculated from the first day of the woman's last  
13                menstrual period;

14       ~~6.~~ 7. "Standard medical practice" means the degree of skill,  
15 care, and diligence that an obstetrician of ordinary judgment,  
16 learning, and skill would employ in like circumstances;

17       ~~7.~~ 8. "Unborn child" means a human fetus or embryo in any stage  
18 of gestation from fertilization until birth; and

19       ~~8.~~ 9. "Woman" and "women" include any person whose biological  
20 sex is female including any person with XX chromosomes and any  
21 person with a uterus, regardless of any gender identity that the  
22 person attempts to assert or claim.  
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1 SECTION 2. AMENDATORY Section 1, Chapter 321, O.S.L.

2 2022 (63 O.S. Supp. 2022, Section 1-745.51), is amended to read as  
3 follows:

4 Section 1-745.51. As used in this act:

5 1. "Abortion" ~~means the act of using, prescribing,~~  
6 ~~administering, procuring, or selling of any instrument, medicine,~~  
7 ~~drug, or any other substance, device, or means with the purpose to~~  
8 ~~terminate the pregnancy of a woman, with knowledge that the~~  
9 ~~termination by any of those means will with reasonable likelihood~~  
10 ~~cause the death of an unborn child. It does not include the use,~~  
11 ~~prescription, administration, procuring, or selling of Plan B,~~  
12 ~~morning-after pills, or any other type of contraception or emergency~~  
13 ~~contraception. An act is not an abortion if the act is performed~~  
14 ~~with the purpose to:~~

15 a. ~~save the life or preserve the health of the unborn~~  
16 ~~child,~~

17 b. ~~remove a dead unborn child caused by spontaneous~~  
18 ~~abortion, or~~

19 c. ~~remove an ectopic pregnancy~~

20 has the same meaning as provided by Section 1-730 of this title;

21 2. "Fertilization" means the fusion of a human spermatozoon  
22 with a human ovum;

23 3. "Medical emergency" means a condition in which an abortion  
24 is necessary to preserve the life of a pregnant woman whose life is

1 endangered by a physical disorder, physical illness, or physical  
2 injury, including a life-endangering physical condition caused by or  
3 arising from the pregnancy itself;

4 4. "Unborn child" means a human fetus or embryo in any stage of  
5 gestation from fertilization until birth; and

6 5. "Woman" and "women" include any person whose biological sex  
7 is female, including any person with XX chromosomes and any person  
8 with a uterus, regardless of any gender identity that the person  
9 attempts to assert or claim.

10 SECTION 3. This act shall become effective November 1, 2023.

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