

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1172

By: Stark

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; making
8 certain acts unlawful; providing exceptions;
9 providing penalties; defining terms; providing for
10 codification; and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 650.12 of Title 21, unless there
14 is created a duplication in numbering, reads as follows:

15 A. It shall be unlawful for a health care provider, in the
16 course of participating in or overseeing a professional instruction
17 or clinical training program, or a student undertaking a course of
18 instruction or participating in a clinical training or residency
19 program for a profession, to perform a breast, pelvic, urogenital,
20 prostate, or rectal examination on a patient who is anesthetized or
21 unconscious, unless one of the following conditions is met:

22 1. The patient or authorized representative of the patient has
23 provided prior written informed consent to the examination, and the
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1 examination is necessary for preventative, diagnostic, treatment, or
2 educational purposes;

3 2. The patient or authorized representative of the patient has
4 provided prior written informed consent to a surgical procedure or
5 diagnostic examination to be performed on the patient, and the
6 performance of the examination is within the scope of care ordered
7 for that surgical procedure or diagnostic examination;

8 3. An emergency exists, it is impracticable to obtain written
9 informed consent, and the examination is necessary for diagnostic or
10 treatment purposes; or

11 4. A court has ordered the performance of the examination for
12 the purpose of the collection of evidence.

13 A health care provider or student who violates the provisions of
14 this section shall, upon conviction, be guilty of a felony
15 punishable by imprisonment in the custody of the Department of
16 Corrections for a term of not more than five (5) years, or a fine of
17 not less than Twenty Thousand Dollars (\$20,000.00), or by both such
18 fine and imprisonment. In addition to the penalties provided for in
19 this subsection, the person shall be subject to penalties
20 established pursuant to law by the licensing board which has
21 authority to regulate the health care provider or student.

22 B. As used in this section:

23 1. "Authorized representative" means an individual who is
24 authorized to make health care decisions for or exercise rights on

1 behalf of the patient including, for a patient who is under eighteen
2 (18) years of age, the parent or legal guardian of the patient;

3 2. "Health care provider" means a person who is licensed,
4 certified, or otherwise authorized by the laws of this state to
5 administer health care in the ordinary course of business or
6 practice of a profession;

7 3. "Patient" means an individual under the care of a health
8 care provider or authorized representative;

9 4. "Student" means an individual currently enrolled in an
10 approved medical college, education program, or training program;
11 and

12 5. "Written informed consent" means the written consent of a
13 patient to the performance of an examination after the patient has
14 received a description of the examination, the purpose for providing
15 the examination, and any risks or alternatives to the examination so
16 that a reasonably prudent patient may make an informed decision as
17 to the examination.

18 SECTION 2. This act shall become effective November 1, 2025.

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20 60-1-10116 GRS 01/07/25

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