ENGROSSED HOUSE
BILL NO. 2040

By: Wright, Frame, Adkins, Benge, Boyd, Calvey, Case, Claunch, Dank, Ferguson, Greenwood, Hiett, Jones, Liotta, Maddux, Miller, Nance, Newport, Perry, Piatt, Pope (Tim), Reese, Roggow, Sullivan (John), Wilt, Winchester, Gray, Pope (Clay), Rice and Graves of the House

and

Long, Weedn, Shurden and Price of the Senate

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-735, which relates to abortion; prohibiting the selling or donating of or the performance of research or experimentation upon the remains of a child resulting from an abortion; defining term; stating class of crime for violation of section; authorizing certain officers to seek injunctive relief for certain reasons; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-735, is amended to read as follows:

Section 1-735. A. No person shall <u>intentionally</u> sell <u>or donate</u> a child, an unborn child or the remains of a child or an unborn child resulting from an abortion. No person shall <u>intentionally</u> experiment ~~upon~~ <u>or perform research using</u> a child or an unborn child resulting from an abortion or which is intended to be aborted unless the experimentation <u>or research</u> is therapeutic to the child or unborn child.

B. No person shall <u>intentionally</u> experiment ~~upon~~ <u>or perform research using</u> the remains of a child or an unborn child resulting

from an abortion. The term "experiment" does not include autopsies performed according to law.

C. As used in this section, "a child, an unborn child or the remains of a child or an unborn child" means human fetal tissue, cells or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion but does not include human tissue, cells or organs that are obtained from a noninduced spontaneous abortion or an ectopic pregnancy.

D. Any person violating this section shall be guilty of a felony.

E. The Attorney General or a district attorney may maintain an action in a district court of appropriate jurisdiction against any person who has violated subsection A or B of this section to obtain an injunction against future violations or for civil contempt against any person who has intentionally violated an injunction issued in accordance with this subsection.

SECTION 2. This act shall become effective November 1, 2000.

Passed the House of Representatives the 6th day of March, 2000.

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Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 2000.

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President of the Senate