

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. _____ 652

By: Martin

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Sections 1-731, as amended by Section 523, Chapter 133, O.S.L. 1997, 1-737 and 1-739 (63 O.S. Supp. 1998, Section 1-731), which relate to hospitals; citing act; making certain persons liable for certain medical costs related to an abortion performed on a minor without parental consent; limiting persons who shall administer anesthesia during an abortion and requiring certain equipment and personnel; requiring certain agreements to be maintained with certain facilities; requiring abortion facilities and certain hospitals to compile certain data and make certain information available to certain women; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Women's Protection Act".

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-731, as amended by Section 523, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, Section 1-731), is amended to read as follows:

Section 1-731. A. No person shall perform or induce an abortion upon a pregnant woman unless that person is a physician licensed to practice medicine in ~~the State of Oklahoma~~ this state. Any person violating this section shall, upon conviction, be guilty of a felony.

B. No person shall perform or induce an abortion upon a pregnant woman subsequent to the end of the first trimester of her

pregnancy, unless such abortion is performed or induced in a general hospital.

C. 1. Any person who performs an abortion on a minor without parental consent shall be liable for the cost of any subsequent medical treatment such minor might require related to such abortion.

2. No person shall administer anesthesia during an abortion except for a licensed anesthesiologist or certified registered nurse anesthetist, provided, such anesthesiologist or nurse anesthetist shall also have available on-site appropriate monitoring and emergency equipment, along with personnel trained in the use of such equipment.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-737, is amended to read as follows:

Section 1-737. An abortion otherwise permitted by law shall be performed only in a hospital, as defined in this article, which meets standards set by the State Department of Health; provided, that a facility where pregnant females are admitted and receive care incidental to an abortion shall be required to maintain an advance transfer agreement with the emergency room of the hospital closest to such facility. The Department shall develop and promulgate reasonable standards relating to abortions.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 1-739, is amended to read as follows:

Section 1-739. A. All hospitals shall keep records, including admission and discharge notes, histories, results of tests and examinations, nurses worksheets, social service records and progress notes of patients.

B. All abortion facilities and hospitals in which abortions are performed shall also keep certifications of medical necessity, certifications of nonviability, certifications of nonavailability, abortion reports and complication reports as required in this act.

C. Abortion facilities and hospitals in which abortions are performed shall compile data from such reports which ranks physicians who perform abortions according to such factors as performance, death rates of patients and complications, and whether such entities make such information available to any woman who requests it.

D. Such records shall be maintained in the permanent files of the hospital for a period of not less than seven (7) years.

SECTION 5. This act shall become effective July 1, 1999.

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

47-1-585

CJ

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