

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 58

By: Martin

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Sections 1-731, as last amended by Section 379, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 1-737 and 1-739 (63 O.S. Supp. 2000, Section 1-731), which relate to abortions; citing act; making certain persons liable for certain medical costs related to an abortion performed on a minor without parental consent or knowledge; limiting persons who shall administer anesthesia during an abortion and requiring certain equipment and personnel; requiring certain agreements to be maintained with specified facilities; clarifying language; requiring abortion facilities and certain hospitals to compile specified data and make certain information available to persons who request such information; providing for noncodification; and providing an effective date.

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 last amended by Section 379, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (63 O.S. Supp. 2000, 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. Any person violating this section shall be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than three (3) years in the State Penitentiary.

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 or knowledge shall be liable for the cost of any subsequent medical treatment such minor might require because of the abortion.

2. No person shall administer general anesthesia during an abortion but an anesthesiologist licensed to practice in this state; provided, such licensed anesthesiologist shall also have available on-site appropriate monitoring and emergency equipment, along with individuals 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 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~~:

1. Certifications of medical necessity, ~~certifications;~~

2. Certifications of nonviability, ~~certifications;~~

3. Certifications of nonavailability, ~~abortion;~~

4. Abortion reports; and ~~complication~~

5. Complication reports,

as required in this act.

C. Abortion facilities and hospitals in which abortions are performed shall compile data from such records that rank physicians who perform abortions, and make such information available to persons who request 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 November 1, 2001.

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