

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1004

By: Kern

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending
9 63 O.S. 2001, Sections 1-730 and 1-731, which relate
10 to abortions; adding definition; adding requirement
11 for persons who perform or induce abortions;
12 providing exception; modifying penalty; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-730, is
16 amended to read as follows:

17 Section 1-730. As used in this article:

18 1. "Abortion" means the purposeful termination of a human
19 pregnancy, by any person with an intention other than to produce a
20 live birth or to remove a dead unborn child;

21 2. "Unborn child" means the unborn offspring of human beings
22 from the moment of conception, through pregnancy, and until live
23 birth including the human conceptus, zygote, morula, blastocyst,
24 embryo and fetus;

1 3. "Viable" means potentially able to live outside of the womb
2 of the mother upon premature birth, whether resulting from natural
3 causes or an abortion;

4 4. "Clinical privileges" means the authorization granted to a
5 physician to render patient care services in a hospital, including
6 privileges and membership on the medical staff;

7 5. "Conception" means the fertilization of the ovum of a female
8 individual by the sperm of a male individual;

9 ~~5.~~ 6. "Health" means physical or mental health;

10 ~~6.~~ 7. "Department" means the State Department of Health;

11 ~~7.~~ 8. "Inducing an abortion" means the administration by any
12 person, including the pregnant woman, of any substance designed or
13 intended to cause an expulsion of the unborn child, effecting an
14 abortion as defined above; and

15 ~~8.~~ 9. Nothing contained herein shall be construed in any manner
16 to include any birth control device or medication or sterilization
17 procedure.

18 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-731, is
19 amended to read as follows:

20 Section 1-731. A. No person shall perform or induce an
21 abortion upon a pregnant woman unless that person is a physician
22 licensed to practice medicine in the State of Oklahoma and has
23 clinical privileges at a hospital located within thirty (30) miles
24 of the location at which the abortion is performed or induced. A

1 physician may perform or induce an abortion without having clinical
2 privileges only to avert the imminent death of the pregnant woman.

3 Any person violating this section shall be guilty of a felony
4 punishable by imprisonment for not less than ~~one (1) year~~ three (3)
5 years nor more than ~~three (3)~~ five (5) years in the State
6 Penitentiary.

7 B. No person shall perform or induce an abortion upon a
8 pregnant woman subsequent to the end of the first trimester of her
9 pregnancy, unless such abortion is performed or induced in a general
10 hospital.

11 SECTION 3. This act shall become effective November 1, 2007.

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13 51-1-7531 SD 03/06/07

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