

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3059

By: Hamilton

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety;
9 mandating certain sign posting for facilities that
10 perform, induce, or prescribe for abortions or where
11 the means for an abortion are provided; specifying
12 wording of sign; specifying typeface of sign;
13 specifying areas of sign posting; establishing
14 penalty for noncompliance; providing for certain
15 disclosure to minors; providing for certain
16 certification by minors; authorizing certain civil
17 actions; providing for codification; and providing an
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-737.1 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 A. Any private office, freestanding outpatient clinic, or other
24 facility or clinic in which abortions, other than abortions
25 necessary to prevent the death of the pregnant female, are
26 performed, induced, prescribed for, or where the means for an
27 abortion are provided shall conspicuously post a sign in a location

1 defined in subsection C of this section so as to be clearly visible
2 to patients, which reads:

3 Notice: It is against the law for anyone, regardless of his or
4 her relationship to you, to force you to have an abortion. By
5 law, we cannot perform, induce, prescribe for, or provide you
6 with the means for an abortion unless we have your freely given
7 and voluntary consent. It is against the law to perform,
8 induce, prescribe for, or provide you with the means for an
9 abortion against your will. You have the right to contact any
10 local or state law enforcement agency to receive protection from
11 any actual or threatened physical abuse or violence.

12 B. The sign required pursuant to subsection A of this section
13 shall be printed with lettering that is legible and shall be at
14 least three-quarters-of-an-inch boldfaced type.

15 C. A facility in which abortions are performed, induced,
16 prescribed for, or where the means for an abortion are provided that
17 is a private office or a freestanding outpatient clinic shall post
18 the required sign in each patient waiting room and patient
19 consultation room used by patients on whom abortions are performed,
20 induced, prescribed for, or who are provided with the means for an
21 abortion. A hospital or any other facility in which abortions are
22 performed, induced, prescribed for, or where the means for an
23 abortion are provided that is not a private office or freestanding
24 outpatient clinic shall post the required sign in each patient

1 admission area used by patients on whom abortions are performed,
2 induced, prescribed for, or by patients who are provided with the
3 means for an abortion.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-737.2 of Title 63, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Any private office, freestanding outpatient clinic or other
8 facility or clinic that fails to post a required sign in knowing,
9 reckless, or negligent violation of this act shall be assessed an
10 administrative fine of Ten Thousand Dollars (\$10,000.00). Each day
11 on which an abortion, other than an abortion necessary to prevent
12 the death of the pregnant female, is performed, induced, prescribed
13 for, or where the means for an abortion are provided in a private
14 office, freestanding outpatient clinic or other facility or clinic
15 in which the required sign is not posted during any portion of
16 business hours when patients or prospective patients are present is
17 a separate violation.

18 B. An action may be brought by or on behalf of an individual
19 injured by the failure to post the required sign. A plaintiff in an
20 action under this subsection may recover damages for emotional
21 distress and any other damages allowed by law.

22 C. The sanctions and actions provided in this section shall not
23 displace any sanction applicable under other law.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-737.3 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. If the pregnant female is a minor, the attending physician
5 shall orally inform the female that no one can force her to have an
6 abortion and that an abortion cannot be performed, induced,
7 prescribed for, or that the means for an abortion cannot be provided
8 unless she provides her freely given, voluntary, and informed
9 consent.

10 B. The minor female shall certify in writing, prior to the
11 performance of, induction of, receiving the prescription for, or
12 provision of the means for the abortion, that she was informed by
13 the attending physician of the required information in subsection A
14 of this section. A copy of the written certification shall be
15 placed in the minor's file and kept for at least seven (7) years or
16 for five (5) years after the minor reaches the age of majority,
17 whichever is greater.

18 SECTION 4. This act shall become effective November 1, 2008.

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