ENGROSSED HOUSE
BILL NO. 1652

By: Peterson (Pam), McCullough, Tibbs, Kern, Shannon, Murphey, Terrill, Wesselhoft, Reynolds and Faught of the House

and

Williamson of the Senate

An Act relating to public health and safety; amending Section 6, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2006, Section 1-738.1), which relates to voluntary and informed consent to abortion; modifying certain definition; amending Section 7, Chapter 185, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-738.7), which relates to the Unborn Child Pain Awareness/Prevention Act; modifying certain definition; providing for the State Department of Health to prepare and make available certain reporting forms; providing for the content of the reporting forms; providing for the time in which the reports are due; requiring public reports containing certain information; providing for enforcement of reporting requirements; providing for penalties; providing for confidentiality; authorizing promulgation of certain rules; amending Section 11, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2006, Section 1-740.1), which relates to abortion; adding definition; amending Section 12, Chapter 200, O.S.L. 2005, as amended by Section 18, Chapter 185, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-740.2), which relates to notification and consent of parent; requiring proof of age, emancipation, or judicial waiver before performing abortion; providing exception; requiring proof of identification of parent for consent; providing for certifications for consent; establishing records requirements; providing for parental notification after abortion; providing exception; providing for forms developed by the State Department of Health; amending Section 13, Chapter 200, O.S.L. 2005, as amended by Section 19, Chapter

185, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-740.3), which relates to judicial authorization; establishing clear and convincing standard for waiver of notification before and after abortion; providing for the State Department of Health to prepare reporting forms; providing for the content of the reporting forms; providing the time in which the reports are due; requiring public reports containing certain information; providing for enforcement of reporting requirements; providing for penalties; providing for confidentiality; providing for conditions upon determination of unconstitutionality; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 6, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2006, Section 1-738.1), is amended to read as follows:

Section 1-738.1 As used in Sections ~~6~~ 1-738.1 through ~~10~~ 1-738.5 of this ~~act~~ title:

1. "Abortion" means the term as is defined in Section 1-730 of ~~Title 63 of the Oklahoma Statutes~~ this title;

2. "Attempt to perform an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in this state in violation of this act;

3. "Board" means the State Board of Medical Licensure and Supervision;

4. "Medical emergency" means any physical condition, not including any emotional, psychological, or mental condition, because of which~~, on the basis of the physician's good-faith clinical judgment,~~ a reasonably prudent physician, with knowledge of the case and treatment possibilities with respect to the medical conditions involved, would determine exists that would so ~~complicates~~ complicate the medical condition of a pregnant ~~woman~~ female as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay ~~will create serious risk of~~ would cause substantial and irreversible impairment of a major bodily function arising from continued pregnancy;

5. "Physician" means a person licensed to practice medicine in this state pursuant to ~~Chapters 11 and 14~~ Sections 495 and 633 of Title 59 of the Oklahoma Statutes;

6. "Probable gestational age of the unborn child" means what, in the judgment of the physician, will with reasonable probability be the gestational age of the unborn child at the time the abortion is planned to be performed;

7. "Stable Internet web site" means a web site that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the State Board of Medical Licensure and Supervision; and

8. “Unborn child” means the term as is defined in Section 1-730 of Title 63 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Section 7, Chapter 185, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-738.7), is amended to read as follows:

Section 1-738.7 As used in the Unborn Child Pain Awareness/Prevention Act:

1. “Abortion” means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth to preserve the life or health of the child after live birth, or to remove a dead fetus who dies as the result of a spontaneous miscarriage;

2. “Attempt to perform an abortion” means an act, or an omission of a statutorily required act that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in Oklahoma in violation of the Unborn Child Pain Awareness/Prevention Act;

3. “Unborn child” means a member of the species homo sapiens from fertilization until birth;

4. “Medical emergency” means any <u>physical</u> condition<u>, not including any emotional, psychological, or mental condition, because</u>

of which~~, on the basis of the good faith clinical judgment of~~ a reasonably prudent physician, with knowledge of the case and treatment possibilities with respect to the medical conditions involved, would determine exists that would so ~~complicates~~ complicate the medical condition of a pregnant female as to necessitate the immediate abortion of ~~the~~ her pregnancy to avert ~~the~~ her death ~~of the pregnant female~~ or for which a delay ~~will create serious risk~~ would cause of substantial and irreversible impairment of a major bodily function arising from continued pregnancy;

5. "Physician" means a person licensed to practice medicine in this state pursuant to ~~Chapters 11 and 14~~ Sections 495 and 633 of Title 59 of the Oklahoma Statutes; and

6. "Probable gestational age" means the gestational age of the unborn child at the time the abortion is planned to be performed, as determined by the physician using reasonable probability.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-738.3a of Title 63, unless there is created a duplication in numbering, reads as follows:

A. By February 1, 2008, the State Department of Health shall prepare and make available on its stable Internet web site the form described in subsection B of this section. A copy of this act shall be posted on the web site. Physicians performing abortions shall complete and electronically submit the required forms to the Department no later than April 1 for the previous calendar year.

Nothing in the report shall contain the name, address, or any other identifying information of any patient.

B. The form for physicians shall contain a listing for the following information:

1. The number of females to whom the physician or an agent of the physician provided the information described in Section 1-738.2 of Title 63 of the Oklahoma Statutes; of that number, the number provided the information by telephone and the number provided the information in person; and of each of those numbers, the number provided the information in the capacity of a referring physician and the number provided the information in the capacity of a physician who is to perform the abortion; and of each of those numbers, the number provided the information by the physician and the number provided the information by an agent of the physician;

2. The number of females who availed themselves of the opportunity to obtain a copy of the printed information described in Section 1-738.3 of Title 63 of the Oklahoma Statutes other than on the web site, and the number who did not; and of each of those numbers, the number who, to the best of the information and belief of the reporting physician, went on to obtain the abortion; and

3. The number of abortions performed by the physician in which information otherwise required to be provided at least twenty-four (24) hours before the abortion was not so provided because an immediate abortion was necessary to avert the death of the female,

and the number of abortions in which the information was not so provided because a delay would cause substantial and irreversible impairment of a major bodily function.

C. The State Department of Health shall ensure that the reporting forms described in subsection B of this section are posted, on its stable Internet web site, within one hundred twenty (120) days after the effective date of this act. The State Department of Health shall notify the following of the requirements of this act:

1. By March 1, 2008, all physicians licensed to practice in this state;

2. Each physician who subsequently becomes newly licensed to practice in this state, at the same time as official notification to that physician that the physician is so licensed; and

3. By December 1 of each year, other than the calendar year in which forms are first made available to all physicians licensed to practice in this state.

D. By February 28 of each year following a calendar year in any part of which this section was in effect, each physician who provided, or whose agent provided, information to one or more females in accordance with Section 1-738.2 of Title 63 of the Oklahoma Statutes during the previous calendar year shall electronically submit to the State Department of Health the form

described in subsection B of this section, with the requested data entered accurately and completely.

E. Reports that are not electronically submitted by the end of a grace period of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars ($500.00) for each additional thirty-day period or portion of a thirty-day period the reports are overdue. Any physician required to report in accordance with this section who has not completed and electronically submitted a report, or has electronically submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the State Department of Health, be directed by a court of competent jurisdiction to electronically submit a complete report within a period stated by court order or be subject to sanctions for civil contempt.

F. By June 30 of each year, the State Department of Health shall prepare and make available on its stable Internet web site a public report providing statistics for the previous calendar year compiled from all items listed in subsection B of this section. Each report shall also provide statistics for all previous calendar years, adjusted to reflect any additional information from late or corrected reports. The State Department of Health shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any

individual providing or provided information in accordance with subsection B of this section.

G. The State Department of Health may promulgate rules in accordance with the Administrative Procedures Act to alter the dates established by this section or consolidate the form or report described in this section with other forms or reports to achieve administrative convenience, fiscal savings or to reduce the burden of reporting requirements, as long as reporting forms are made available, on its stable Internet web site to all licensed physicians in the state, and the report described in this section is issued at least once every year.

SECTION 4. AMENDATORY Section 11, Chapter 200, O.S.L. 2005 (63 O.S. Supp. 2006, Section 1-740.1), is amended to read as follows:

Section 1-740.1 As used in Sections ~~11~~ 1-740.1 through ~~15~~ 1-740.5 of this act:

1. "Abortion" means the term as is defined in Section 1-730 of ~~Title 63 of the Oklahoma Statutes~~ this title;

2. "Medical emergency" means any physical condition, not including any emotional, psychological, or mental condition, because of which a reasonably prudent physician, with knowledge of the case and treatment possibilities with respect to the medical conditions involved, would determine exists that would so complicate the medical condition of a pregnant female as to necessitate the

immediate abortion of her pregnancy to avert her death or for which would cause substantial and irreversible impairment of a major bodily function of the minor arising from continued pregnancy; provided, however, that the attending physician or an agent shall, within twenty-four (24) hours after completion of the abortion, notify one of the parents of the minor in the manner provided in Section 1-740.2 of this title that an emergency abortion was performed on the minor and of the circumstances that warranted invocation of this paragraph;

3. "Parent" means one parent of the pregnant unemancipated minor or guardian if the pregnant unemancipated minor has one; and

~~3.~~ 4. "Unemancipated minor" means any person ~~under~~ less than eighteen (18) years of age who is not or has not been married or who is under the care, custody and control of the person's parent or parents, guardian or juvenile court of competent jurisdiction.

SECTION 5. AMENDATORY Section 12, Chapter 200, O.S.L. 2005, as amended by Section 18, Chapter 185, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-740.2), is amended to read as follows:

Section 1-740.2 A. Except in the case of a medical emergency, a physician may not perform an abortion on a pregnant female unless the physician has:

1. Obtained proof of age demonstrating that the female is not a minor;

2. Obtained proof that the female, although a minor, is emancipated; or

3. Complied with Section 1-740.3 of this title.

B. No abortion shall be performed upon an unemancipated minor or upon a female for whom a guardian has been appointed pursuant to Section 1-113 of Title 30 of the Oklahoma Statutes because of a finding of incompetency, except in a medical emergency or where a judicial waiver was obtained pursuant to Section 1-740.3 of this title, until at least forty-eight (48) hours after written notice of the pending abortion has been delivered in the manner specified in this subsection and the attending physician has secured proof of identification and the written informed consent of one parent.

1. The notice and request for written informed consent of one parent shall be addressed to the parent at the usual place of abode of the parent and delivered personally to the parent by the physician or an agent~~;~~.

2. In lieu of the delivery required by paragraph 1 of this subsection, the notice and request for written informed consent of one parent shall be made by certified mail addressed to the parent at the usual place of abode of the parent with return-receipt requested and restricted delivery to the addressee, which means a postal employee can only deliver the mail to the authorized addressee. Time of delivery shall be deemed to occur at 12 noon on the next day on which regular mail delivery takes place, subsequent

to mailing~~; or~~. The information concerning the address of the parent shall be that which a reasonable and prudent person, under similar circumstances, would have relied upon as sufficient evidence that the parent resides at that address.

3. a. The parent entitled to notice and consent ~~certifies~~ shall provide to the physician a copy of proof of identification, and shall certify in a signed, dated, and notarized statement that he or she has been notified and consents to the abortion. The signed, dated, and notarized statement shall include: "I certify that I, (insert name of parent), am the parent of (insert name of minor daughter) and give consent that (insert name of physician) performs an abortion on my daughter. I understand that any person who knowingly makes a fraudulent statement in this regard commits a felony."

b. The physician shall keep a copy of the proof of identification of the parent and the certified statement in the medical file of the minor for five (5) years past the majority of the minor, but in no event less than seven (7) years.

c. A physician receiving parental consent under this section shall execute for inclusion in the medical record of the minor an affidavit stating: "I, (insert

name of physician), certify that according to my best information and belief, a reasonable person under similar circumstances would rely on the information presented by both the minor and her parent as sufficient evidence of identity."

~~B.~~ C. No notice or request for written informed consent of one parent shall be required under this section if one of the following conditions is met:

1. The attending physician certifies in the medical records of the pregnant unemancipated minor that the abortion is necessary to prevent the death of the minor and there is insufficient time to provide the required notice and obtain the written informed consent of one parent; or

2. The attending physician certifies that a medical emergency exists and that a delay ~~will create serious risk of~~ would cause substantial and irreversible impairment of a major bodily function arising from continued pregnancy; or

3. The unemancipated minor declares that she is the victim of sexual abuse, as defined in Section 7102 of Title 10 of the Oklahoma Statutes and the attending physician has notified local law enforcement or the Department of Human Services about the alleged sexual abuse.

~~C.~~ D. 1. Unless the unemancipated minor gives notice of her intent to seek a judicial waiver pursuant to Section 1-740.3 of this

title, the attending physician or the agent of the physician shall verbally inform the parent of the minor within twenty-four (24) hours after the performance of a medical emergency abortion or an abortion that was performed to prevent her death that an abortion was performed on the unemancipated minor. The attending physician or the agent of the attending physician shall also inform the parent of the basis for the certification of the physician required under paragraph 1 or 2 of subsection C of this section. The attending physician or the agent of the attending physician shall also send a written notice of the performed abortion via the United States Post Office to the last-known address of the parent, restricted delivery, return receipt requested. The information concerning the address of the parent shall be that which a reasonable and prudent person, under similar circumstances, would have relied upon as sufficient evidence that the parent resides at that address.

2. If the unemancipated minor gives notice to the attending physician or an agent of the physician of her intent to seek a judicial waiver pursuant to Section 1-740.3 of this title, the physician or an agent of the physician shall file a notice with any judge of a court of competent jurisdiction that the minor has given such notice and shall provide the information the physician or the agent of the physician would have been required to provide the parent under paragraph 1 of this subsection if the unemancipated minor had not given notice of her intent to seek a judicial waiver.

The court shall expeditiously schedule a conference with notice to the minor and the physician. If the minor is able to participate in the proceedings, the court shall advise the minor that she has the right to court-appointed counsel and shall, upon her request, provide the minor with such counsel. If the minor is unable to participate, the court shall appoint counsel on behalf of the minor. After an appropriate hearing, the court, taking into account the medical condition of the minor, shall set a deadline by which the minor must file a petition or motion pursuant to Section 1-740.3 of this title. The court may subsequently extend the deadline in light of the medical condition of the minor or other equitable considerations. If the minor does not file a petition or motion by the deadline, either in that court or in another court of competent jurisdiction with a copy filed in that court, the court shall direct that the court clerk provide the notice to a parent.

E. The State Board of Health shall adopt the forms necessary for physicians to obtain the ~~consent of one parent required for an abortion to be performed on an unemancipated minor pursuant to subsection A of this section. The form executed to obtain consent must be retained by the physician for a period of not less than five (5) years~~ certifications required by this section.

SECTION 6. AMENDATORY Section 13, Chapter 200, O.S.L. 2005, as amended by Section 19, Chapter 185, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-740.3), is amended to read as follows:

Section 1-740.3 A. If a pregnant unemancipated minor elects not to allow the notification and request for written informed consent of her parent, any judge of a court of competent jurisdiction shall, upon petition or motion, and after an appropriate hearing, authorize a physician to perform the abortion if the judge determines by clear and convincing evidence that the pregnant unemancipated minor is mature and capable of giving informed consent to the proposed abortion. If the judge determines that the pregnant unemancipated minor is not mature, or if the pregnant unemancipated minor does not claim to be mature, the judge shall determine by clear and convincing evidence whether the performance of an abortion upon her without notification and written informed consent of her parent would be in her best interest and shall authorize a physician to perform the abortion without notification and written informed consent if the judge concludes that the best interests of the pregnant unemancipated minor would be served thereby.

B. If the unemancipated minor, upon whom a medical emergency abortion or an abortion to prevent her death was performed, elects not to allow the notification of her parent, any judge of a court of competent jurisdiction shall, upon petition or motion and after an appropriate hearing, authorize the waiving of the required notice of the performed abortion if the judge determines by clear and convincing evidence that the unemancipated minor is mature and

capable of determining whether notification should be given, or that the waiver would be in the best interest of the unemancipated minor.

C. A pregnant unemancipated minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall advise the pregnant unemancipated minor that she has a right to court-appointed counsel and, upon her request, shall provide her with counsel.

~~C.~~ D. Proceedings in the court under this section shall be confidential and shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interests of the pregnant unemancipated minor. A judge of the court who conducts proceedings under this section shall make, in writing, specific factual findings and legal conclusions supporting the decision and shall order a record of the evidence to be maintained, including the findings and conclusions of the court.

~~D.~~ E. An expedited confidential appeal shall be available to any pregnant unemancipated minor for whom the court denies an order authorizing an abortion without notification and written informed consent of one parent. An order authorizing an abortion without notification and written informed consent of one parent shall not be subject to appeal. No filing fees shall be required of any pregnant unemancipated minor at either the trial or the appellate level. Access to the trial court for the purpose of a petition or motion,

and access to the appellate courts for the purpose of making an appeal from the denial of same, shall be afforded a pregnant unemancipated minor twenty-four (24) hours a day, seven (7) days a week.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-740.4a of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any physician performing an abortion upon an unemancipated minor shall complete and electronically transmit to the State Department of Health a report of the procedure within thirty (30) days after having performed the abortion. Within ninety (90) days after this act becomes law, the State Department of Health shall prepare and make available on its stable Internet web site the reporting forms for this purpose to all physicians required to be licensed in this state and health facilities licensed in accordance with Section 1-702 of Title 63 of the Oklahoma Statutes. The reporting form regarding the minor receiving the abortion shall include, but not be limited to:

1. Age;

2. Educational level;

3. Number of previous pregnancies;

4. Number of previous live births;

5. Number of previous abortions;

6. Complications, if any, of the abortion being reported;

7. The city and county in which the abortion was performed;

8. Whether a parent gave consent to the physician or an agent of the physician pursuant to Section 1-740.2 of Title 63 of the Oklahoma Statutes; or

9. Whether the physician performed the abortion without first obtaining the consent of the parent of the minor as described in Section 1-740.2 of Title 63 of the Oklahoma Statutes; if so:

a. whether the minor was emancipated,

b. whether the abortion was performed because of a medical emergency,

c. whether the abortion was performed to prevent the death of the minor,

d. whether the parent was notified after the performance of a medical emergency abortion, and

e. whether the parent was notified after the performance of an abortion to prevent the death of the minor;

10. Whether a judicial waiver was obtained after the performance of a medical emergency abortion; and

11. Whether a judicial waiver was obtained after the performance of an abortion to prevent the death of the minor.

B. The State Department of Health shall ensure that the reporting forms described in this section, together with a reprint of this act, are posted on its stable Internet web site, within one

hundred twenty (120) days after the effective date of this act. The State Department of Health shall notify:

1. Each physician who subsequently becomes newly licensed to practice in this state, simultaneously with the receipt of official notification to that physician that the physician is so licensed, of the requirements of this act; and

2. By December 1 of every year, other than the calendar year in which forms are made available in accordance with subsection A of this section, all physicians licensed to practice in this state.

C. By February 28 of each year following a calendar year in any part of which this act was in effect, each physician or agent of a physician who obtained the consent described in Section 1-740.2 of Title 63 of the Oklahoma Statutes and any physician who knowingly performed an abortion upon a pregnant minor or upon a female for whom a guardian or conservator had been appointed pursuant to applicable federal law or as provided by Section 1-113 of Title 30 of the Oklahoma Statutes because of incompetency during the previous calendar year shall complete and electronically submit to the State Department of Health the form described in subsection A of this section, with the requested data entered accurately and completely. Any such report shall not contain the name, address, or other information by which the minor receiving the abortion may be identified.

D. Reports that are not submitted by the end of a grace period of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars ($500.00) for each additional thirty-day period or portion of a thirty-day period the reports are overdue. Any physician required to report in accordance with this section who has not electronically submitted a report, or has electronically submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the State Department of Health, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to sanctions for civil contempt.

E. By June 30 of each year, the State Department of Health shall post, on its stable Internet web site, a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection A of this section. The report shall also include statistics giving the total number of petitions or motions filed under Section 1-740.3 of Title 63 of the Oklahoma Statutes and of that number:

1. The number in which the court appointed a guardian ad litem;

2. The number in which the court appointed counsel;

3. The number in which the judge issued an order authorizing an abortion without notification; and

4. The number in which the judge denied such an order, and of this:

a. the number of denials from which an appeal was filed,

b. the number of the appeals that resulted in the denial being affirmed, and

c. the number of appeals that resulted in reversals of the denials.

Each report shall also provide the statistics for all previous calendar years for which the public statistical report was required to be issued, adjusted to reflect any additional information from late or corrected reports. The State Department of Health shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any individual female.

F. The State Department of Health may promulgate rules in accordance with the Administrative Procedures Act to alter the dates established by this section or consolidate the forms or reports to achieve administrative convenience, fiscal savings, or to reduce the burden of reporting requirements, as long as reporting forms are made available on its web site, to all licensed physicians in the state at least once every year and the report described in subsection E of this section is posted at least once every year.

G. If the State Department of Health fails to post the public report required by subsection E of this section, an action may be initiated pursuant to Title 12 of the Oklahoma Statutes.

H. If judgment is rendered in favor of the plaintiff in any action described in this section, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-740.4b of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A person who knowingly or recklessly uses a false governmental record or makes a fraudulent representation or statement in order to obtain an abortion for a minor in violation of this act commits a felony.

B. A physician who intentionally or knowingly performs an abortion on a pregnant unemancipated minor in violation of this act commits a felony.

C. 1. It is a defense to prosecution under subsection B of this section if the person falsely representing himself or herself as the parent or guardian of the minor displayed an apparently valid

governmental record of identification such that a reasonable person, under similar circumstances, would have relied on the representation.

2. The defense does not apply if the physician, or agent of the physician, failed to use due diligence in determining the age of the minor or the identity of the person represented as the parent or guardian of the minor.

D. An unemancipated minor, or the parent of the minor, upon whom an abortion has been performed or attempted to be performed without complying with this act may maintain a cause of action against the person who performed or attempted to perform the abortion.

E. It is not a defense to a claim brought pursuant to this section that the minor gave informed and voluntary consent.

F. An unemancipated minor does not have the capacity to consent to any action that violates this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-740.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

If any court of law enjoins, suspends, or delays the implementation of the provisions of this act, the provisions of Sections 1-738.1, 1-738.7, 1-740.2 and 1-740.3 of Title 63 of the Oklahoma Statutes as of December 31, 2006, are effective without

these amendments during the injunction, suspension, or delayed implementation.

SECTION 10. This act shall become effective November 1, 2007.

Passed the House of Representatives the 14th day of March, 2007.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2007.

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Presiding Officer of the Senate