

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3059

By: Hamilton

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5  
6 AS INTRODUCED

7 An Act relating to public health and safety;  
8 mandating certain sign posting for facilities that  
9 perform abortions; specifying wording of sign;  
10 specifying typeface of sign; specifying areas of sign  
11 posting; establishing penalty for noncompliance;  
12 providing for certain disclosure to minors; providing  
13 for certain certification by minors; authorizing  
14 certain civil actions; providing for codification;  
15 and providing an effective date.

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

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

20 A. Any private office, freestanding surgical outpatient clinic  
21 or other facility, or clinic in which abortions, other than  
22 abortions necessary to prevent the death of the pregnant female, are  
23 performed shall conspicuously post a sign in a location defined in  
24 subsection C of this section so as to be clearly visible to  
patients, which reads:

1 Notice: It is against the law for anyone, regardless of their  
2 relationship to you, to force you to have an abortion. By law,  
3 we cannot perform an abortion on you unless we have your freely  
4 given and voluntary consent. It is against the law to perform  
5 an abortion on you against your will. You have the right to  
6 contact any local or state law enforcement agency to receive  
7 protection from any actual or threatened physical abuse or  
8 violence.

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

12 C. A facility in which abortions are performed that is a  
13 private office or a freestanding surgical outpatient clinic shall  
14 post the required sign in each patient waiting room and patient  
15 consultation room used by patients on whom abortions are performed.  
16 A hospital or any other facility in which abortions are performed  
17 that is not a private office or freestanding surgical outpatient  
18 clinic shall post the required sign in each patient admission area  
19 used by patients on whom abortions are performed.

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

23 A. Any facility that fails to post a required sign in knowing,  
24 reckless, or negligent violation of this act shall be assessed an

1 administrative fine of Ten Thousand Dollars (\$10,000.00). Each day  
2 on which an abortion, other than an abortion necessary to prevent  
3 the death of the pregnant female, is performed in a facility in  
4 which the required sign is not posted during a portion of business  
5 hours when patients or prospective patients are present is a  
6 separate violation.

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

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

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

16 A. If the pregnant female is a minor, the attending physician  
17 shall inform the female that no one can force her to have an  
18 abortion and that an abortion cannot be performed on her unless she  
19 provides her freely given, voluntary, and informed consent.

20 B. The minor female shall certify in writing, prior to the  
21 performance of the abortion, that she was informed by the attending  
22 physician of the required information in subsection A of this  
23 section. A copy of the written certification shall be placed in the  
24 minor's file and kept for at least seven (7) years or for two (2)

1 years after the minor reaches the age of majority, whichever is  
2 greater.

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

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