

THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 2010

House Bill No. 3075

HOUSE BILL NO. 3075 - By: HAMILTON AND REYNOLDS of the House and JUSTICE of the Senate.

An Act relating to public health and safety; mandating certain sign posting for facilities that perform, induce, or prescribe for abortions or where the means for an abortion are provided; specifying wording of sign; specifying typeface of sign; specifying areas of sign posting; establishing penalty for noncompliance; authorizing certain civil actions; providing for certain disclosure to minors; providing for certain certification by minors; repealing Sections 8, 9 and 10, Chapter 36, O.S.L. 2008 (63 O.S. Supp. 2009, Sections 1-737.1, 1-737.2 and 1-737.3), which relate to mandating sign posting for certain facilities; providing for codification; and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 1-737.4 of Title 63, unless there is created a duplication in
3 numbering, reads as follows:

4 A. Any private office, freestanding outpatient clinic, or other facility or clinic in
5 which abortions, other than abortions necessary to prevent the death of the pregnant
6 female, are performed, induced, prescribed for, or where the means for an abortion are
7 provided shall conspicuously post a sign in a location defined in subsection C of this
8 section so as to be clearly visible to patients, which reads:

9 Notice: It is against the law for anyone, regardless of his or her relationship to you,
10 to force you to have an abortion. By law, we cannot perform, induce, prescribe for,

1 or provide you with the means for an abortion unless we have your freely given and
2 voluntary consent. It is against the law to perform, induce, prescribe for, or provide
3 you with the means for an abortion against your will. You have the right to contact
4 any local or state law enforcement agency to receive protection from any actual or
5 threatened physical abuse or violence.

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

8 C. A facility in which abortions are performed, induced, prescribed for, or where the
9 means for an abortion are provided that is a private office or a freestanding outpatient
10 clinic shall post the required sign in each patient waiting room and patient consultation
11 room used by patients on whom abortions are performed, induced, prescribed for, or who
12 are provided with the means for an abortion. A hospital or any other facility in which
13 abortions are performed, induced, prescribed for, or where the means for an abortion are
14 provided that is not a private office or freestanding outpatient clinic shall post the
15 required sign in each patient admission area used by patients on whom abortions are
16 performed, induced, prescribed for, or by patients who are provided with the means for
17 an abortion.

18 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
19 Statutes as Section 1-737.5 of Title 63, unless there is created a duplication in
20 numbering, reads as follows:

21 A. Any private office, freestanding outpatient clinic or other facility or clinic that
22 fails to post a required sign in knowing, reckless, or negligent violation of this act shall

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

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

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

12 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma
13 Statutes as Section 1-737.6 of Title 63, unless there is created a duplication in
14 numbering, reads as follows:

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

19 B. The minor female shall certify in writing, prior to the performance of, induction
20 of, receiving the prescription for, or provision of the means for the abortion, that she was
21 informed by the attending physician of the required information in subsection A of this
22 section. A copy of the written certification shall be placed in the minor's file and kept for

1 at least seven (7) years or for five (5) years after the minor reaches the age of majority,
2 whichever is greater.

3 SECTION 4. REPEALER Sections 8, 9 and 10, Chapter 36, O.S.L. 2008 (63
4 O.S. Supp. 2009, Sections 1-737.1, 1-737.2 and 1-737.3), are hereby repealed.

5 SECTION 5. It being immediately necessary for the preservation of the public
6 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
7 this act shall take effect and be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-16-10 - DO PASS,
9 As Coauthored.