

**EHB 3075**

**THE STATE SENATE**  
**Tuesday, March 30, 2010**

**ENGROSSED**

**House Bill No. 3075**

ENGROSSED HOUSE BILL NO. 3075 - By: Hamilton, Reynolds, Faught, Kern, Wright (John), Thompson and Ritze 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:

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

A. Any private office, freestanding outpatient clinic, or other facility or clinic in which abortions, other than abortions necessary to prevent the death of the pregnant female, are performed, induced, prescribed for, or where the means for an abortion are provided shall conspicuously post a sign in a location defined in 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 his or  
2 her relationship to you, to force you to have an abortion. By  
3 law, we cannot perform, induce, prescribe for, or provide you  
4 with the means for an abortion unless we have your freely given  
5 and voluntary consent. It is against the law to perform,  
6 induce, prescribe for, or provide you with the means for an  
7 abortion against your will. You have the right to contact any  
8 local or state law enforcement agency to receive protection from  
9 any actual or threatened physical abuse or violence.

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

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

1 induced, prescribed for, or by patients who are provided with the  
2 means for an abortion.

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

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

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

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

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-737.6 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. REPEALER Sections 8, 9 and 10, Chapter 36,  
19 O.S.L. 2008 (63 O.S. Supp. 2009, Sections 1-737.1, 1-737.2 and 1-  
20 737.3), are hereby repealed.

21 SECTION 5. It being immediately necessary for the preservation  
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
3 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated 3-  
4 25-10 - DO PASS.