

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2560

By: Wesselhoft

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 2011, Section 1-738.3, which requires the State Board of Medical Licensure and Supervision to publish certain print and online information; requiring that Board website use search capabilities to ensure certain information is accessible; requiring that website ensure that certain information is printable; requiring that website include instruction on how to receive certain information in printed form; requiring that website be accessible to public without requiring registration; creating the State Board of Medical Licensure and Supervision Women's Health Fund; providing that fund be used for certain purpose; requiring Board to ensure that certain information be located through common search engines as a top result; amending 63 O.S. 2011, Section 1-738.8, which relates to the right of pregnant female to review certain materials; requiring pregnant female to certify she has received a copy of printed materials; providing for severability; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-738.3, is amended to read as follows:

1 Section 1-738.3 A. ~~Within one hundred twenty (120) days of the~~
2 ~~effective date of this act, the~~ The State Board of Medical Licensure
3 and Supervision shall cause to be published, in English and in
4 Spanish, and shall update on an annual basis, the following printed
5 materials in such a way as to ensure that the information is easily
6 comprehensible:

7 1. a. geographically indexed materials designed to inform
8 ~~the~~ a woman of public and private agencies, including
9 adoption agencies and services that are available to
10 assist a woman through pregnancy, upon childbirth, and
11 while the child is dependent, including:

12 (1) a comprehensive list of the agencies available,

13 (2) a description of the services they offer,

14 including which agencies offer, at no cost to the
15 pregnant woman, ultrasound imaging that enables a
16 pregnant woman to view the unborn child or heart
17 tone monitoring that enables the pregnant woman
18 to listen to the heartbeat of the unborn child,
19 and

20 (3) a description of the manner, including telephone
21 numbers, in which they might be contacted, or

22 b. at the option of the Board a toll-free, twenty-four-
23 hour-a-day telephone number which may be called to
24 obtain, in a mechanical, automated, or auditory

1 format, a list and description of agencies in the
2 locality of the caller and of the services they offer;
3 and

4 2. a. materials designed to inform ~~the~~ a woman of the
5 probable anatomical and physiological characteristics
6 of the unborn child at two-week gestational increments
7 from the time when a woman can be known to be pregnant
8 to full term, including:

9 (1) any relevant information on the possibility of
10 the survival of the unborn child, and

11 (2) pictures or drawings representing the development
12 of unborn children at two-week gestational
13 increments, provided that the pictures or
14 drawings shall describe the dimensions of the
15 unborn child and shall be realistic and
16 appropriate for the stage of pregnancy depicted,

17 b. the materials shall be objective, nonjudgmental, and
18 designed to convey only accurate scientific
19 information about the unborn child at the various
20 gestational ages, and

21 c. the material shall also contain objective information
22 describing:

23 (1) the methods of abortion procedures commonly
24 employed,

- 1 (2) the medical risks commonly associated with each
2 of those procedures,
3 (3) the possible detrimental psychological effects of
4 abortion and of carrying a child to term, and
5 (4) the medical risks commonly associated with
6 carrying a child to term.

7 B. 1. The materials referred to in subsection A of this
8 section shall be printed in a typeface large enough to be clearly
9 legible.

10 2. The materials required under subsection A of this section
11 shall be available at no cost from the State Board of Medical
12 Licensure and Supervision and shall be distributed upon request in
13 appropriate numbers to any person, facility, or hospital.

14 C. 1. The Board shall provide on its stable Internet ~~web site~~
15 website the information described under subsection A of this
16 section.

17 2. The ~~web site~~ website provided for in this subsection shall
18 be maintained at a minimum resolution of 72 PPI.

19 3. The website provided for in this subsection shall use
20 enhanced, user-friendly search capabilities to ensure the
21 information described under subsection A of this section is easily
22 accessible, and shall be searchable by keywords and phrases,
23 specifically to ensure that entering the term "abortion" yields the
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1 information described under subsection A of this section, regardless
2 of how the subsection A materials are labeled.

3 4. The website provided for in this subsection shall ensure
4 that the information described under subsection A of this section is
5 printable.

6 5. The website provided for in this subsection shall give
7 clear, prominent instructions on how to receive the information
8 described under subsection A of this section in printed form.

9 6. The website provided for in this subsection shall be
10 accessible to the public without requiring registration or use of a
11 user name, a password, or another user identification.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-738.3-1 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 A. There is hereby created in the State Treasury a revolving
16 fund for the State Board of Medical Licensure and Supervision to be
17 designated the "State Board of Medical Licensure and Supervision
18 Women's Health Fund". The fund shall be a continuing fund, not
19 subject to fiscal year limitations, and shall consist of all monies
20 deposited to the credit of the fund by law. All monies accruing to
21 the credit of the fund are hereby appropriated and may be budgeted
22 and expended by the State Board of Medical Licensure and Supervision
23 pursuant to subsection B of this section. Expenditures from the
24 fund shall be made upon warrants issued by the State Treasurer

1 against claims filed as prescribed by law with the Director of the
2 Office of State Finance for approval and payment.

3 B. The State Board of Medical Licensure and Supervision is to
4 use the fund for search engine optimization and key word searches
5 for regional Internet searches in order that the term "abortion"
6 yields the materials required by Section 1-738.3a of Title 63 of the
7 Oklahoma Statutes. The State Board of Medical Licensure and
8 Supervision shall make reasonable effort to ensure that the website
9 containing this information can be located through common commercial
10 search engines as a top search result.

11 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-738.8, is
12 amended to read as follows:

13 Section 1-738.8 A. Except in the case of a medical emergency,
14 at least twenty-four (24) hours prior to an abortion being performed
15 on an unborn child whose probable gestational age is twenty (20)
16 weeks or more, the physician performing the abortion or the agent of
17 the physician shall inform the pregnant female, by telephone or in
18 person, of the right to review the printed materials described in
19 Section ~~10~~ 1-738.10 of this ~~act~~ title, that these materials are
20 available on a state-sponsored ~~web-site~~ website, and the web address
21 of that ~~web-site~~ website. The physician or the agent of the
22 physician shall orally inform the female that the materials have
23 been provided by the State of Oklahoma and that the materials
24 contain information on pain and the unborn child. ~~If the female~~

1 ~~chooses to view the materials other than on the web site, the~~ The
2 materials shall ~~either~~ be given to the female at least twenty-four
3 (24) hours before the abortion, or mailed to the female at least
4 seventy-two (72) hours before the abortion by certified mail,
5 restricted delivery to the addressee. The information required by
6 this subsection may be provided by a tape recording if provision is
7 made to record or otherwise register specifically whether the female
8 does or does not choose to receive the printed materials given or
9 mailed.

10 B. The female shall certify in writing, prior to the abortion,
11 that the information described in subsection A of this section has
12 been furnished to the female and that the female has been informed
13 of the opportunity to review the printed materials described in
14 Section ~~10~~ 1-738.10 of this ~~act~~ title and has been provided a copy
15 of the printed materials. Prior to the performance of the abortion,
16 the physician who is to perform the abortion or the agent of the
17 physician shall obtain a copy of the written certification and
18 retain the copy on file with the medical record of the female for at
19 least three (3) years following the date of receipt.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-738.3-2 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 If some or all of the provisions of this act resulting from the
24 actions taken by the 2nd Session of the 53rd Oklahoma Legislature

1 are even temporarily or permanently restrained or enjoined by
2 judicial order, this act shall be enforced as though such restrained
3 or enjoined provisions had not been adopted; provided, however, that
4 whenever such temporary or permanent restraining order or injunction
5 is stated or dissolved, or otherwise ceases to have effect, such
6 provisions shall have full force and effect.

7 SECTION 5. This act shall become effective November 1, 2012.

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