

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2560

By: Kern, Wesselhoft and Ritze

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8 COMMITTEE SUBSTITUTE

9 An Act relating to public health and safety; amending
10 63 O.S. 2011, Section 1-738.3, which requires the
11 State Board of Medical Licensure and Supervision to
12 publish certain print and online information;
13 requiring that Board website use search capabilities
14 to ensure certain information is accessible;
15 requiring that website ensure that certain
16 information is printable; requiring that website
17 include instruction on how to receive certain
18 information in printed form; requiring that website
19 be accessible to public without requiring
20 registration; creating the State Board of Medical
21 Licensure and Supervision Women's Health Fund;
22 providing that fund be used for certain purpose;
23 requiring Board to ensure that certain information be
24 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.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

- 9 1. a. geographically indexed materials designed to inform
10 ~~the~~ a woman of public and private agencies, including
11 adoption agencies and services that are available to
12 assist a woman through pregnancy, upon childbirth, and
13 while the child is dependent, including:
- 14 (1) a comprehensive list of the agencies available,
 - 15 (2) a description of the services they offer,
16 including which agencies offer, at no cost to the
17 pregnant woman, ultrasound imaging that enables a
18 pregnant woman to view the unborn child or heart
19 tone monitoring that enables the pregnant woman
20 to listen to the heartbeat of the unborn child,
21 and
 - 22 (3) a description of the manner, including telephone
23 numbers, in which they might be contacted, or

1 b. at the option of the Board a toll-free, twenty-four-
2 hour-a-day telephone number which may be called to
3 obtain, in a mechanical, automated, or auditory
4 format, a list and description of agencies in the
5 locality of the caller and of the services they offer;
6 and

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

12 (1) any relevant information on the possibility of
13 the survival of the unborn child, and

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

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

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1 c. the material shall also contain objective information
2 describing:

3 (1) the methods of abortion procedures commonly
4 employed,

5 (2) the medical risks commonly associated with each
6 of those procedures,

7 (3) the possible detrimental psychological effects of
8 abortion and of carrying a child to term, and

9 (4) the medical risks commonly associated with
10 carrying a child to term.

11 B. 1. The materials referred to in subsection A of this
12 section shall be printed in a typeface large enough to be clearly
13 legible.

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

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

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

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

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

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

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

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

20 A. There is hereby created in the State Treasury a revolving
21 fund for the State Board of Medical Licensure and Supervision to be
22 designated the "State Board of Medical Licensure and Supervision
23 Women's Health Fund". The fund shall be a continuing fund, not
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1 subject to fiscal year limitations, and shall consist of all monies
2 deposited to the credit of the fund by law. All monies accruing to
3 the credit of the fund are hereby appropriated and may be budgeted
4 and expended by the State Board of Medical Licensure and Supervision
5 pursuant to subsection B of this section. Expenditures from the
6 fund shall be made upon warrants issued by the State Treasurer
7 against claims filed as prescribed by law with the Director of the
8 Office of State Finance for approval and payment.

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

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

19 Section 1-738.8 A. Except in the case of a medical emergency,
20 at least twenty-four (24) hours prior to an abortion being performed
21 on an unborn child whose probable gestational age is twenty (20)
22 weeks or more, the physician performing the abortion or the agent of
23 the physician shall inform the pregnant female, by telephone or in
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1 person, of the right to review the printed materials described in
2 Section ~~10~~ 1-738.10 of this ~~act~~ title, that these materials are
3 available on a state-sponsored ~~web-site~~ website, and the web address
4 of that ~~web-site~~ website. The physician or the agent of the
5 physician shall orally inform the female that the materials have
6 been provided by the State of Oklahoma and that the materials
7 contain information on pain and the unborn child. ~~If the female~~
8 ~~chooses to view the materials other than on the web site, the~~ The
9 materials shall ~~either~~ be given to the female at least twenty-four
10 (24) hours before the abortion, or mailed to the female at least
11 seventy-two (72) hours before the abortion by certified mail,
12 restricted delivery to the addressee. The information required by
13 this subsection may be provided by a tape recording if provision is
14 made to record or otherwise register specifically whether the female
15 does or does not choose to receive the printed materials given or
16 mailed.

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

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

7 If some or all of the provisions of this act resulting from the
8 actions taken by the 2nd Session of the 53rd Oklahoma Legislature
9 are even temporarily or permanently restrained or enjoined by
10 judicial order, this act shall be enforced as though such restrained
11 or enjoined provisions had not been adopted; provided, however, that
12 whenever such temporary or permanent restraining order or injunction
13 is stated or dissolved, or otherwise ceases to have effect, such
14 provisions shall have full force and effect.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/22/2012 -
18 DO PASS, As Amended and Coauthored.

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