ENGROSSED HOUSE AMENDMENTS
TO
ENGROSSED SENATE BILL NO. 1848 By: Treat and Newberry of the Senate

and

Grau and Christian of the House

[public health - standards - certain training for physicians, physician assistants, and volunteers - abortion - codification - effective date]

AUTHORS: Add the following House Coauthors: Ritze, Kern, Reynolds, Turner, Roberts (Sean) and Fisher

AUTHORS: Add the following Senate Coauthors: Allen and Griffin

AMENDMENT NO. 1. Section 1, Page 7, line 11, insert the following subsection to read

"J. The State Board of Health shall adopt standards relating to endometrial biopsies performed as an inpatient procedure or outpatient procedure."

and by relettering subsequent subsections

AMENDMENT NO. 2. Page 9, line 1, insert the following Sections 2 and 3 to read

"SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Section 3 of this act shall be known and may be cited as the "Protection of Human Life Act of 2014".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-735.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Human embryo" means a living organism of the species Homo sapiens at the earliest stages of development, including the single-celled stage, that is not located in the body of a female; and

2. "Nontherapeutic research" means research that is not intended to help preserve the life and health of the particular embryo subjected to risk. This term does not include in vitro fertilization and accompanying embryo transfer to the body of a female, or any diagnostic test which may assist in the future care of a child subjected to the tests.

B. No person shall:

1. Knowingly conduct nontherapeutic research that destroys a human embryo or subjects a human embryo to substantial risk of injury or death;

2. Transfer a human embryo with the knowledge that the embryo will be subjected to nontherapeutic research; or

3. Use for research purposes cells or tissues that the person knows were obtained by performing activities in violation of this section.

C. Any person found violating the provisions of subsection B of this section shall, upon conviction, be guilty of a felony punishable by incarceration in the custody of the Department of Corrections for a term of not less than one (1) year nor more than life and a fine of not less than One Hundred Thousand Dollars ($100,000.00)."

and by renumbering the subsequent section

AMENDMENT NO. 3: Page 1, restore the stricken title to read

"An Act relating to public health; directing State Board of Health to establish certain standards; requiring physicians with certain privileges to remain at certain facilities for certain time period; requiring certain training for physicians, physician assistants, and volunteers; requiring medical screenings prior to performance of abortion; providing standards for screenings; requiring offer of examination after abortion; requiring certain facilities to keep certain records; requiring reporting of injuries and death to State Department of Health; requiring filing of incident reports to appropriate boards; requiring the State Board of Health to adopt certain standards; providing penalties for performance of abortions without licensure; authorizing certain legal action against certain persons; creating the Protection of Human Life Act of 2014; defining terms; prohibiting certain acts; providing for codification; providing for noncodification; and providing an effective date."

Passed the House of Representatives the 24th day of April, 2014.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2014.

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Presiding Officer of the Senate

ENGROSSED SENATE
BILL NO. 1848

By: Treat and Newberry of the Senate

and

Grau and Christian of the House

[public health - standards - certain training for physicians, physician assistants, and volunteers - abortion - codification - effective date]

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 1-748 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Health shall establish abortion facility supplies and equipment standards, including equipment required to be immediately available for use in an emergency. Such standards shall, at a minimum:

1. Specify required equipment and supplies, including medications, required for the performance of abortion procedures and for monitoring the progress of each patient throughout the abortion procedure and post-procedure recovery period;

2. Require that the number or amount of equipment and supplies at the facility is adequate at all times to assure sufficient

quantities of clean and sterilized durable equipment and supplies to meet the needs of each patient;

3. Specify the mandated equipment and supplies for required laboratory tests and the requirements for protocols to calibrate and maintain laboratory equipment at the abortion facility or operated by facility staff;

4. Require ultrasound equipment in all abortion facilities; and

5. Require that all equipment is safe for the patient and facility staff, meets applicable federal standards, and is checked annually to ensure safety and appropriate calibration.

B. On any day when any abortion is performed in a facility providing abortions, a physician with admitting privileges at an accredited hospital in this state within thirty (30) miles of where the abortion is being performed must remain on the premises of the facility to facilitate the transfer of emergency cases if hospitalization of an abortion patient or a child born alive is necessary and until all abortion patients are stable and ready to leave the recovery room.

C. The State Board of Health shall adopt standards relating to the training physician assistants licensed pursuant to the provisions of Section 519.1 of Title 59 of the Oklahoma Statutes and employed by or providing services in a facility providing abortions shall receive in counseling, patient advocacy, and the specific medical and other services.

D. The State Board of Health shall adopt standards related to the training that volunteers at facilities providing abortions shall receive in the specific services that the volunteers provide, including counseling and patient advocacy.

E. The State Board of Health shall adopt standards related to the medical screening and evaluation of each abortion patient. At minimum these standards shall require:

1. A medical history including the following:

a. reported allergies to medications, antiseptic solutions, and latex,

b. obstetric and gynecological history,

c. past surgeries, and

d. medication the patient is currently taking.

2. A physical examination including a bimanual examination estimating uterine size and palpation of the adnexa;

3. The appropriate pre-procedure testing including:

a. urine or blood tests for pregnancy, if ordered by a physician,

b. a test for anemia,

c. Rh typing, unless reliable written documentation of blood type is available, and

d. an ultrasound evaluation for all patients who elect to have an abortion. The physician performing the abortion is responsible for estimating the gestational

age of the unborn child based on the ultrasound examination and established standards of obstetrical care and shall write the estimate in the patient's medical record. An original print of each ultrasound examination of the patient shall be kept in the patient's medical record.

F. The State Board of Health shall adopt standards related to the performance of the abortion procedure and post-procedure follow-up care. At minimum these standards shall require:

1. That medical personnel are available to all abortion patients throughout the procedure;

2. The appropriate use of local anesthesia, analgesia, and sedation if ordered by the physician performing the procedure;

3. The use of appropriate precautions, such as the establishment of intravenous access;

4. That the physician performing the abortion procedure monitors the patient's vital signs and other defined signs and markers of the patient's status throughout the procedure and during the recovery period until the patient's condition is deemed to be stable in the recovery room;

5. Immediate post-procedure care and observation in a supervised recovery room for as long as the patient's condition warrants;

6. That the facility in which the abortion procedure is performed arranges for a patient's hospitalization if any complication beyond the management capability of the abortion facility's medical staff occurs or is suspected;

7. That a licensed health care professional trained in the management of the recovery room and capable of providing cardiopulmonary resuscitation actively monitors patients in the recovery room;

8. That there is a specified minimum time that a patient remains in the recovery room by type of abortion procedure and duration of gestation;

9. That a physician discusses RhO(D) immune globulin with each patient for whom it is indicated and assures it is offered to the patient in the immediate post-operative period or that it will be available to her within seventy-two (72) hours after completion of the abortion procedure. If the patient refuses, a refusal form approved by the State Board of Health shall be signed by the patient and a witness and included in the medical record;

10. Written instructions with regard to post-abortion coitus, signs of possible complications, and general aftercare are given to each patient. Each patient shall have specific instructions regarding access to medical care for complications, including a telephone number to call for medical emergencies;

11. That the physician ensures that a licensed health care professional from the abortion facility makes a good faith effort to contact the patient by phone, with the patient's consent, within twenty-four (24) hours after procedure to assess the patient's recovery;

12. Equipment and services are located in the recovery room to provide appropriate emergency and resuscitative life support procedures pending the transfer of the patient or a child born alive in the facility;

13. That a post-abortion medical visit shall be offered to each abortion patient and, if requested, scheduled for two (2) to three (3) weeks after the abortion procedure and shall include a medical examination and a review of the results of all laboratory tests; and

14. That a urine or blood test shall be obtained at the time of the follow-up visit to rule out continued pregnancy. If a continuing pregnancy is suspected, the patient shall be appropriately evaluated; and a physician who performs abortions shall be consulted.

G. Facilities performing abortions shall record each incident resulting in a patient's or a born-alive child's injury occurring at the facility and shall report incidents in writing to the State Board of Health within ten (10) days of the incident. For the purposes of this subsection, "injury" shall mean an injury that

occurs at the facility and creates a serious risk of substantial impairment of a major body organ or function.

H. If a patient's death occurs, other than the death of an unborn child properly reported pursuant to law, the facility performing abortions shall report the death to the State Board of Health no later than the next business day.

I. Incident reports shall be filed with the State Board of Health and all appropriate professional licensing and regulatory boards, including but not limited to the State Board of Medical Licensure and Supervision and the State Board of Nursing.

J. Whoever operates a facility performing abortions without a valid license shall be guilty of a felony. Any person who intentionally, knowingly, or recklessly violates the provisions of this act or any standards adopted by the State Board of Health in accordance with this act shall be guilty of a felony.

K. Any violation of this act or any standards adopted under this act may be subject to a civil penalty or fine up to Twenty-five Thousand Dollars ($25,000.00) imposed by the State Board of Health. Each day of violation constitutes a separate violation for purposes of assessing civil penalties or fines. In deciding whether and to what extent to impose civil penalties or fines, the State Board of Health shall consider the following factors:

1. Gravity of the violation including the probability that death or serious physical harm to a patient or individual will result or has resulted;

2. Size of the population at risk as a consequence of the violation;

3. Severity and scope of the actual or potential harm;

4. Extent to which the provisions of the applicable statutes or regulations were violated;

5. Any indications of good faith exercised by facility;

6. The duration, frequency, and relevance of any previous violations committed by the facility; and

7. Financial benefit to the facility of committing or continuing the violation.

L. In addition to any other penalty provided by law, whenever in the judgment of the State Commissioner of Health any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of this act, or any standard adopted in accordance with this act, the Commissioner shall make application to any court of competent jurisdiction for an order enjoining such acts and practices. Upon a showing by the Commissioner that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

SECTION 2. This act shall become effective November 1, 2014.

Passed the Senate the 12th day of March, 2014.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2014.

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Presiding Officer of the House of Representatives