

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2797

By: Coody (Ann), Billy,  
Peterson, Strohm, Kern,  
Bennett, Christian, Ritze  
and Moore of the House

and

Griffin of the Senate

9 An Act relating to schools; creating the Humanity of  
10 the Unborn Child Act; affirming public policy of the  
11 state; creating certain revolving fund; requiring  
12 funds to be expended by State Board of Education for  
13 certain purpose; \*\*\*\* permitting schools which have  
14 certain program to contract with Oklahoma Department  
15 of Career and Technology Education to provide certain  
16 information and services; providing for codification;  
17 providing for noncodification; and providing an  
18 effective date.

16 AUTHOR: Add the following Senate Coauthors: Loveless and Brooks

17 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
18 entire bill and insert

19 "[ public health - requiring development of certain  
20 form by State Department of Health - codification -  
21 effective date ]

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

1           SECTION 1.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-751 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. The State Department of Health shall develop, update  
5 annually and maintain an electronic form containing information  
6 concerning public and private agencies and services available to  
7 assist a woman through pregnancy, upon childbirth and while the  
8 child is dependent, which shall include a comprehensive list of the  
9 agencies available, including adoption agencies, a description of  
10 the services they offer and a description of the manner, including  
11 telephone numbers and email addresses, by which they might be  
12 contacted. The Department shall index this form geographically and  
13 shall make it readily accessible on the Department's website. The  
14 website shall include the following statement:

15           "There are many public and private agencies willing and able to  
16 help you carry your child to term and assist you and your child  
17 after your child is born, whether you choose to keep your child  
18 or to place him or her for adoption. The State of Oklahoma  
19 strongly urges you to contact them if you are pregnant."

20           B. The statement required by subsection A of this section shall  
21 include the hyperlink to the section of the Department's Internet  
22 website containing the information required by subsection A of this  
23 section and shall be made available in a downloadable format  
24 appropriate for display.

1 C. On or before January 1, 2018, the Department shall make  
2 available to each facility in this state which is open to the  
3 public, containing a restroom available to the public and licensed  
4 by the State Department of Health to post signage in its restroom  
5 containing the statement provided by subsection A of this section.

6 D. The State Board of Health shall promulgate rules to  
7 implement the provisions of this section.

8 SECTION 2. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1-752 of Title 63, unless there  
10 is created a duplication in numbering, reads as follows:

11 The State Department of Health shall:

12 1. Develop and make available materials designed to provide  
13 accurate, scientifically verifiable information concerning the  
14 probable anatomical and physiological characteristics of the unborn  
15 child at two-week gestational intervals. The Department may utilize  
16 as a resource the material dealing with "Characteristics of the  
17 Unborn Child" created pursuant to Section 1-738.3 of Title 63 of the  
18 Oklahoma Statutes and as located on the website,  
19 [www.awomansright.org](http://www.awomansright.org);

20 2. Develop and distribute educational and informational  
21 materials to provide public information through public service  
22 announcements, media and otherwise for the purpose of achieving an  
23 abortion-free society. Such materials shall be developed from the  
24 most readily available, accurate and up-to-date information and

1 shall clearly and consistently teach that abortion kills a living  
2 human being. All efforts by the Department in this regard shall be  
3 reported annually to the Chair and Vice Chair of the Senate Health  
4 and Human Services Committee and the House Public Health Committee;

5 3. Provide technical assistance to help community-based  
6 organizations in the planning and implementation of abortion  
7 prevention, alternatives to abortion referral and unborn child  
8 humanity education programs;

9 4. Provide outreach, consultation, training and alternatives to  
10 abortion referral services to schools, organizations and members of  
11 the community;

12 5. Distribute educational and informational material concerning  
13 maternal behavior during pregnancy which is helpful to a human child  
14 in utero, including avoidance of tobacco, alcohol and other drugs;  
15 proper nutrition and prenatal vitamins; and utilization of and  
16 resources available for prenatal medical and wellness care; and

17 6. Recommend to the State Department of Education  
18 scientifically verifiable information concerning the unborn child in  
19 the educational standards of science, family and consumer sciences  
20 and health classes.

21 SECTION 3. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-753 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

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1       A. The State Department of Education, in collaboration with the  
2 State Department of Health, may establish an instructional program  
3 for students consistent with the provisions of this section. The  
4 content of instruction that is used by local schools shall be at the  
5 discretion of the appropriate school board; provided, the  
6 instructional program shall:

7       1. Provide accurate, scientifically verifiable information  
8 concerning the probable anatomical and physiological characteristics  
9 of the unborn child at two-week gestational intervals. The State  
10 Department of Education may utilize as a resource the material  
11 dealing with "Characteristics of the Unborn Child" created pursuant  
12 to Section 1-738.2 of Title 63 of the Oklahoma Statutes and as  
13 located on the website, *www.awomansright.org*;

14       2. Include information on accessing prenatal health care;  
15 provided, no program or state employee may refer any student to a  
16 medical facility or any provider for the performance of an abortion;

17       3. Include no component of human sexuality education other than  
18 those included in science education standards; and

19       4. Comply with the provisions of the Parents' Bill of Rights,  
20 Section 2001 et seq. of Title 25 of the Oklahoma Statutes.

21       SECTION 4. This act shall become effective November 1, 2016."

22                       and when the title is restored, amend the title to  
23 conform

24

1 Passed the Senate the 21st day of April, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2016.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 2797

By: Coody (Ann), Billy,  
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9 An Act relating to schools; creating the Humanity of  
10 the Unborn Child Act; affirming public policy of the  
11 state; creating certain revolving fund; requiring  
12 funds to be expended by State Board of Education for  
13 certain purpose; requiring State Department of  
14 Education to operate certain program to educate  
15 public and students in certain grades; requiring  
16 Department to develop certain programs that contain  
17 certain criteria; prohibiting certain financings;  
18 requiring public schools operating at grade nine or  
19 ten to provide certain instruction; requiring public  
20 schools to inform parent prior to presentation of  
21 certain instruction; permitting schools which have  
22 certain program to contract with Oklahoma Department  
23 of Career and Technology Education to provide certain  
24 information and services; providing for codification;  
providing for noncodification; and providing an  
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 11-112 of Title 70, unless there  
is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Humanity of the  
2 Unborn Child Act".

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

5 Pursuant to the United States Supreme Court Case *Maher v. Roe*,  
6 which held that the United States Constitution imposes "no  
7 limitation on the authority of a state to make a value judgment  
8 favoring childbirth over abortion, and to implement that judgment by  
9 the allocation of public funds", 432 U.S. 464, 474 (1977), the  
10 Legislature hereby affirms that it is the public policy of the State  
11 of Oklahoma to make a value judgment favoring childbirth over  
12 abortion and to implement that judgment by the allocation of public  
13 funds.

14 SECTION 3. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 11-112.1 of Title 70, unless  
16 there is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund  
18 for the State Board of Education to be designated as the "Public  
19 Education on the Humanity of the Unborn Child Fund". The fund shall  
20 be a continuing fund, not subject to fiscal year limitations, and  
21 shall consist of all monies deposited to the credit of the fund by  
22 law. All monies accruing to the credit of said fund shall be  
23 budgeted and expended by the Board for the establishment of the  
24 public information programs established in Section 4 of this act.

1 Expenditures from said fund shall be made upon warrants issued by  
2 the State Treasurer against claims filed as prescribed by law with  
3 the Director of the Office of Management and Enterprise Services for  
4 approval and payment.

5 SECTION 4. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 11-112.2 of Title 70, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. Contingent on the provision of appropriated funds or  
9 revolving funds designated for the State Board of Education for such  
10 purpose, the State Department of Education shall establish, operate  
11 and maintain a public information program or programs for the  
12 purpose of educating the public about the humanity of a child in  
13 utero. The fund shall not be available to provide or promote  
14 abortion or refer for abortion. Expenditures shall be drawn from  
15 the Public Education on the Humanity of the Unborn Child Fund.

16 B. The Department shall establish, operate and maintain a  
17 program to educate students in grades nine through twelve about the  
18 humanity of a child in utero. The Department shall conduct the  
19 programs and activities in paragraphs 1 through 10 of this  
20 subsection to the extent possible pursuant to the funds appropriated  
21 for the program and may utilize information from the State  
22 Department of Health and the State Board of Medical Licensure and  
23 Supervision which complies with the purposes of the Humanity of the  
24 Unborn Child Act. The State Department of Education shall:

1 1. Develop and make available materials designed to provide  
2 accurate, scientifically verifiable information concerning the  
3 probable anatomical and physiological characteristics of the unborn  
4 child at two-week gestational intervals. The Department may utilize  
5 as a resource the material dealing with "Characteristics of the  
6 Unborn Child" created pursuant to Section 1-738.2 of Title 63 of the  
7 Oklahoma Statutes and as located on the website,  
8 *www.awomansright.org*;

9 2. Develop, update annually and maintain information concerning  
10 public and private agencies and services available to assist a woman  
11 through pregnancy, upon childbirth and while the child is dependent,  
12 which shall include a comprehensive list of the agencies available,  
13 including adoption agencies, a description of the services they  
14 offer and a description of the manner, including telephone numbers  
15 and email addresses, by which they might be contacted. The  
16 Department shall index this information geographically and shall  
17 make it readily accessible on the Department's website. The website  
18 shall include the following statement:

19 "There are many public and private agencies willing and able to  
20 help you to carry your child to term and to assist you and your  
21 child after your child is born, whether you choose to keep your  
22 child or to place him or her for adoption. The State of  
23 Oklahoma strongly urges you to contact them if you are  
24 pregnant.";

1           3. Develop and distribute educational and informational  
2 materials, including audiovisual materials, to provide public  
3 information through public service announcements, media and  
4 otherwise for the purpose of achieving an abortion-free society.  
5 Such materials shall be developed from the most readily available,  
6 accurate and up-to-date information and shall clearly and  
7 consistently teach that abortion kills a living human being and is  
8 against public policy;

9           4. Develop and conduct training programs concerning unborn  
10 child humanity education and abortion prevention for teachers,  
11 counselors, other educational personnel, parents, public service  
12 personnel and community leaders;

13           5. Provide technical assistance to help community-based  
14 organizations in the planning and implementation of abortion  
15 prevention, alternatives to abortion referral and unborn child  
16 humanity education programs;

17           6. Provide outreach, consultation, training and alternatives to  
18 abortion referral services to schools, organizations and members of  
19 the community;

20           7. Develop, identify, publicize the availability of and widely  
21 disseminate the most readily available, accurate and up-to-date  
22 secondary school unborn child humanity education and abortion  
23 prevention curricula and materials, including audiovisual materials  
24

1 which clearly and consistently teach that abortion is against public  
2 policy;

3 8. Facilitate the use of appropriate means of communicating to  
4 students about the humanity of the unborn child, especially  
5 involving the participation of entertainment personalities and  
6 athletes who are recognizable role models for many young people;

7 9. Develop and distribute educational and informational  
8 material concerning maternal behavior during pregnancy which is  
9 helpful to a human child in utero, including avoidance of tobacco,  
10 alcohol and other drugs; proper nutrition and prenatal vitamins; and  
11 utilization of and resources available for prenatal medical and  
12 wellness care; and

13 10. Other programs of unborn child humanity education and  
14 abortion prevention consistent with the purposes of the Humanity of  
15 the Unborn Child Act, provided that the fund may not be used to  
16 finance programs or materials on human sexuality.

17 SECTION 5. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 11-112.3 of Title 70, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. Contingent on the provision of appropriated funds or  
21 revolving funds designated for the Public Education on the Humanity  
22 of the Unborn Child Fund, each public school operating at grade  
23 level nine or ten in Oklahoma shall provide a unit of instruction  
24 during regular school hours containing the information developed in

1 Section 4 of this act. Each school shall inform at least one parent  
2 or guardian of each student at least one (1) week prior to the  
3 commencement of such unit of instruction that the parent has the  
4 right to remove the student from the classroom in which the unit of  
5 instruction is being presented.

6 B. For schools which have a family and consumer sciences  
7 education program administered through the Oklahoma Department of  
8 Career and Technology Education, the State Department of Education  
9 may contract with the Oklahoma Department of Career and Technology  
10 Education to provide the public information programs and services  
11 established by the Humanity of the Unborn Child Act.

12 SECTION 6. This act shall become effective November 1, 2016.

13 Passed the House of Representatives the 1st day of March, 2016.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2016.

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Presiding Officer of the Senate

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