

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2797

By: Coody (Ann), Billy and
Peterson of the House

and

Griffin of the Senate

COMMITTEE SUBSTITUTE

An Act relating to schools; creating the Humanity of the Unborn Child Act; affirming public policy of the state; creating certain revolving fund; requiring funds to be expended by State Board of Education for certain purpose; requiring State Department of Education to operate certain program to educate public and students in certain grades; requiring Department to develop certain programs that contain certain criteria; prohibiting certain financings; requiring public schools operating at grade nine to provide certain instruction; requiring public schools to inform parent prior to presentation of certain instruction; permitting schools which have certain program to contract with Oklahoma Department of Career and Technology Education to provide certain 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:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 11-112 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

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

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

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

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

20 There is hereby created in the State Treasury a revolving fund
21 for the State Board of Education to be designated as the "Public
22 Education on the Humanity of the Unborn Child Fund". The fund shall
23 be a continuing fund, not subject to fiscal year limitations, and
24 shall consist of all monies deposited to the credit of the fund by

1 law. All monies accruing to the credit of said fund shall be
2 budgeted and expended by the Board for the establishment of the
3 public information programs established in Section 4 of this act.
4 Expenditures from said fund shall be made upon warrants issued by
5 the State Treasurer against claims filed as prescribed by law with
6 the Director of the Office of Management and Enterprise Services for
7 approval and payment.

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

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

19 B. The Department shall establish, operate and maintain a
20 program to educate students in grades nine through twelve about the
21 humanity of a child in utero. The Department shall conduct the
22 programs and activities in paragraphs 1 through 10 of this
23 subsection to the extent possible pursuant to the funds appropriated
24 for the program and may utilize information from the State

1 Department of Health and the State Board of Medical Licensure and
2 Supervision which complies with the purposes of the Humanity of the
3 Unborn Child Act. The State Department of Education shall:

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

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

21 "There are many public and private agencies willing and able to
22 help you to carry your child to term and to assist you and your
23 child after your child is born, whether you choose to keep your
24 child or to place him or her for adoption. The State of

Oklahoma strongly urges you to contact them if you are pregnant.";

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

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

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

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

7. Develop, identify, publicize the availability of and widely disseminate the most readily available, accurate and up-to-date secondary school unborn child humanity education and abortion

1 prevention curricula and materials, including audiovisual materials
2 which clearly and consistently teach that abortion is against public
3 policy;

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

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

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

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

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

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

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

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