

1 ENGROSSED SENATE  
2 BILL NO. 1267

By: Treat of the Senate

3 and

4 Calvey of the House

5  
6 An Act relating to Medicaid provider eligibility;  
7 creating the Defunding Fetal-Body-Parts Trafficking  
8 Act; providing short title; providing definitions;  
9 excluding certain providers from receiving  
10 reimbursement; allowing ineligible provider to  
11 reapply under certain conditions; requiring Oklahoma  
12 Health Care Authority to publish certain findings;  
13 providing certain construction; providing for  
14 codification; and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1005.2 of Title 56, unless there  
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Defunding  
20 Fetal-Body-Parts Trafficking Act".

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1005.3 of Title 56, unless there  
23 is created a duplication in numbering, reads as follows:

24 For purposes of this act:

1. "Provider" means a provider of services for compensation;

1        2. "Affiliate" means an entity which licenses the use of a  
2 trademark or other recognized name to the provider, and which  
3 exercises control over the use of part or all of the provider's  
4 name, or any entity so licensed or controlled; and

5        3. "Fetal body parts" means tissue or cells obtained from a  
6 dead human embryo or fetus.

7        SECTION 3.        NEW LAW        A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1005.4 of Title 56, unless there  
9 is created a duplication in numbering, reads as follows:

10        A. No provider shall be eligible for reimbursement through  
11 Medicaid or any other federal or state program, directly or by  
12 subcontract with any other party, if that provider, or any affiliate  
13 of that provider, has been found by a court of law, either civilly  
14 or criminally, to have violated 42 U.S.C., Section 289g-2 (2010) or  
15 any other federal or state law prohibiting trafficking in fetal body  
16 parts.

17        B. Any provider found to be ineligible for reimbursement  
18 pursuant to this section shall be able to reapply after a period of  
19 five (5) years and a showing that they and their affiliates no  
20 longer participate in the trafficking of fetal body parts.

21        C. Within sixty (60) calendar days of receipt of a complaint of  
22 a violation under this section, the Oklahoma Health Care Authority  
23 shall publish the findings of its investigation of the complaint and  
24 issue a determination of whether a provider has committed a

1 violation of the provisions of this section. Nothing in this act  
2 shall preclude other law enforcement entities or a party in qui tam  
3 litigation from initiating action regarding this section.

4 SECTION 4. This act shall become effective November 1, 2018.

5 Passed the Senate the 13th day of March, 2018.

6  
7  
8 

---

Presiding Officer of the Senate

9 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
10 2018.

11  
12 

---

Presiding Officer of the House  
13 of Representatives