

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1703

By: Calvey and Bennett (John)

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to public health and safety; creating
10 the Choosing Childbirth Act; defining certain terms;
11 requiring State Department of Health to make grants
12 to certain entities; providing eligibility for
13 organizations to receive grants; requiring Department
14 to make certain grants as funds become available from
15 appropriations; requiring Department to annually
16 monitor and review each grantee; providing for
17 inseverability; providing for codification; and
18 providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-740.15 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Choosing
24 Childbirth Act".

25 SECTION 2. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 1-740.16 of Title 63, unless
27 there is created a duplication in numbering, reads as follows:

1 As used in the Choosing Childbirth Act:

2 1. "Abortion" means the use or prescription of any instrument,
3 medicine, drug or any other substance or device to intentionally:

4 a. kill the unborn child of a woman known to be pregnant,
5 or

6 b. terminate the pregnancy of a woman known to be
7 pregnant, with an intention other than:

8 (1) after viability of the unborn child, to produce a
9 live birth and preserve the life and health of
10 the child born alive, or

11 (2) to remove a dead unborn child;

12 2. "Unborn child" means an individual organism of the species
13 Homo sapiens from fertilization until birth; and

14 3. "Grant-supervising entity" means a private entity which
15 approves all grants provided under the Choosing Childbirth Act and
16 which:

17 a. is organized as a not-for-profit corporation in
18 Oklahoma and as a 501(c)3 entity under the federal
19 Internal Revenue Code, and

20 b. does not encourage or counsel any woman to have an
21 abortion not necessary to prevent her death, to
22 provide her such an abortion or to refer her for such
23 an abortion, and does not accept funds or services
24

1 knowingly from any entity which performs abortions or
2 receives money for abortions.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-740.17 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 A. The State Department of Health shall make grants to a grant-
7 supervising entity for the purpose of reimbursing private
8 organizations in Oklahoma for the reasonable expenses of programs
9 providing the following services:

10 1. Providing information on, referral to, and assistance in
11 securing the services of relevant existing programs or agencies that
12 assist women in Oklahoma to carry their children to term, and/or
13 providing services that assist women to carry their children to
14 term, including, but not limited to, agencies and programs that will
15 provide medical attention for the pregnant woman for the duration of
16 her pregnancy, nutritional support services, housing assistance,
17 adoption services, education and employment assistance and parenting
18 education and support services; and

19 2. Providing women in Oklahoma, in person and through community
20 outreach, information and/or services that encourage and assist them
21 to carry their children to term.

22 B. To be eligible for a service grant, an organization shall:

23 1. Be registered with the Oklahoma Secretary of State as a not-
24 for-profit corporation located in Oklahoma;

1 2. Have the grant amount approved by a grant-supervising
2 entity;

3 3. Provide each pregnant woman counseled with accurate
4 information on the developmental characteristics of unborn children,
5 including offering the printed information described in Section 1-
6 738.3 of Title 63 of the Oklahoma Statutes;

7 4. Assure that the grant's sole purposes are to assist and
8 encourage women to carry their children to term and to maximize
9 their potentials thereafter; and

10 5. Assure that none of the funds provided pursuant to the
11 Choosing Childbirth Act, nor any other funds or services provided by
12 the organization, are used to encourage or counsel a woman to have
13 an abortion not necessary to prevent her death, to provide her such
14 an abortion or to refer her for such an abortion.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-740.18 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 The State Department of Health shall make grants to a grant-
19 supervising entity under the Choosing Childbirth Act as funds become
20 available from appropriations. The State Department of Health shall
21 annually monitor and review the grant-supervising entity to assure
22 that the grant-supervising entity carefully adheres to the purposes
23 and requirements of the Choosing Childbirth Act, and it shall cease
24 funding a grant-supervising entity that fails to do so if the

1 Department proves specific findings of noncompliance, subject to
2 judicial review.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-740.19 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 If any provision, word, phrase or clause of the Choosing
7 Childbirth Act or the application thereof to any person or
8 circumstance is held invalid, such invalidity shall make the entire
9 Act invalid and to this end, the provisions, words, phrases and
10 clauses of the Choosing Childbirth Act are declared to be
11 inseverable.

12 SECTION 6. This act shall become effective November 1, 2017.

13

14 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT OVERSIGHT AND
15 ACCOUNTABILITY, dated 03/02/2017 - DO PASS, As Amended and
Coauthored.

16

17

18

19

20

21

22

23

24