

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1721

By: Bullard

AS INTRODUCED

An Act relating to abortion; amending 63 O.S. 2011, Section 1-730, which relates to definitions; modifying definitions; creating the Unborn Person Equality Act; providing short title; providing legislative findings; providing certain interpretation and construction of the laws of this state; providing definition; providing certain protection; specifying applicability of act; prohibiting certain monitoring; providing certain construction; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-730, is amended to read as follows:

Section 1-730. A. As used in this article:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to remove an ectopic pregnancy, or to remove a dead unborn child who died as

1 the result of a spontaneous miscarriage, accidental trauma, or a  
2 criminal assault on the pregnant female or her unborn child;

3 2. "Attempt to perform an abortion" means an act, or an  
4 omission of a statutorily required act, that under the circumstances  
5 as the actor believes them to be constitutes a substantial step in a  
6 course of conduct planned to culminate in the performance of an  
7 abortion;

8 3. "Certified technician" means a Registered Diagnostic Medical  
9 Sonographer who is certified in obstetrics and gynecology by the  
10 American Registry for Diagnostic Medical Sonography (ARDMS) or a  
11 Nurse Midwife or Advance Practice Registered Nurse ~~Practitioner~~ in  
12 Obstetrics with certification in obstetrical ultrasonography;

13 4. "Unborn child" or unborn person means the unborn offspring  
14 of human beings from the moment of conception, through pregnancy,  
15 and until live birth including the human conceptus, zygote, morula,  
16 blastocyst, embryo and fetus;

17 5. "Unemancipated minor" means any person less than eighteen  
18 (18) years of age who is not or has not been married or who is under  
19 the care, custody, and control of the person's parent or parents,  
20 guardian, or juvenile court of competent jurisdiction;

21 6. "Viable" means potentially able to live outside of the womb  
22 of the mother upon premature birth, whether resulting from natural  
23 causes or an abortion;

1       7. "Conception" means the fertilization of the ovum of a female  
2 individual by the sperm of a male individual;

3       8. "Health" means physical or mental health;

4       9. "Department" means the State Department of Health; and

5       10. "Inducing an abortion" means the administration by any  
6 person, including the pregnant woman, of any substance designed or  
7 intended to cause an expulsion of the unborn child, effecting an  
8 abortion as defined above.

9       B. Nothing contained herein shall be construed in any manner to  
10 include any ~~birth control~~ contraceptive device or medication or  
11 sterilization procedure.

12       SECTION 2.       NEW LAW       A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-731.3 of Title 63, unless  
14 there is created a duplication in numbering, reads as follows:

15       A. This section shall be known and may be cited as the "Unborn  
16 Person Equality Act".

17       B. The Oklahoma Legislature finds that:

18       1. The life of each human being begins at conception;

19       2. Unborn persons have protectable interests in life, health,  
20 and well-being; and

21       3. The natural parents of unborn persons have protectable  
22 interests in the life, health, and well-being of their unborn child.

23       C. Consistent with Amendments V and XIV of the United States  
24 Constitution and pursuant to powers reserved to this state by

1 Amendment X of the United States Constitution, the laws of this  
2 state shall be interpreted and construed to acknowledge on behalf of  
3 the unborn person at every stage of development, all the rights,  
4 privileges, and immunities available to other persons, citizens, and  
5 residents of this state, subject only to the Constitution of the  
6 United States, and decisional interpretations thereof by the United  
7 States Supreme Court and specific provisions to the contrary in the  
8 Oklahoma Statutes and the Oklahoma Constitution.

9 D. As used in this section, the term "unborn person" shall have  
10 the same meaning as provided by Section 1-730 of Title 63 of the  
11 Oklahoma Statutes.

12 E. Nothing in this section shall be interpreted as creating a  
13 cause of action against a woman for indirectly harming her unborn  
14 child by failing to properly care for herself or by failing to  
15 follow any particular program of prenatal care.

16 F. The provisions of this section shall only apply to abortions  
17 performed in this state. Nothing in this act shall be construed to  
18 affect an abortion sought out-of-state. No woman shall be  
19 involuntarily tracked or monitored due to pregnancy or perceived  
20 pregnancy.

21 G. The provisions of this section shall not be construed to  
22 apply to in vitro fertilization.  
23  
24  
25

SECTION 3. This act shall become effective November 1, 2020.

57-2-2761 DC 1/16/2020 4:07:19 PM