

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 327

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to abortion procedure compliance
8 requirements; amending Section 3, Chapter 386, O.S.L.
9 2015 (63 O.S. Supp. 2018, Section 1-749.1), which
10 relates to inspections of abortion facilities;
11 directing the State Department of Health to maintain
12 certain online list; transferring certain duties to
13 the State Commissioner of Health; updating statutory
14 reference; and providing an effective date.

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

16 SECTION 1. AMENDATORY Section 3, Chapter 386, O.S.L.
17 2015 (63 O.S. Supp. 2018, Section 1-749.1), is amended to read as
18 follows:

19 Section 1-749.1. A. The State ~~Board~~ Commissioner of Health
20 shall establish policies and procedures for conducting pre-licensure
21 and re-licensure inspections of abortion facilities. Prior to
22 issuing or reissuing a license, the Department shall conduct an on-
23 site inspection to ensure compliance with the rules promulgated by
24 the Board.

B. The ~~Board~~ Commissioner shall promulgate rules for conducting
inspections and investigations pursuant to complaints received by

1 the State Department of Health and made against any abortion
2 facility. The Department shall receive, record, and dispose of
3 complaints in accordance with established policies and procedures.

4 C. If the ~~State Commissioner of Health~~ Commissioner determines
5 that there is reasonable cause to believe a licensee, licensed
6 abortion facility or abortion facility that is required to be
7 licensed in this state is not adhering to the requirements of
8 Section 1-729a et seq. of ~~Title 63 of the Oklahoma Statutes~~ this
9 title, local fire ordinances or rules or any other law,
10 administrative rule or regulation relating to abortion, the
11 Commissioner and any duly designated employee or agent of the
12 Commissioner including employees of county or city-county health
13 departments and county or municipal fire inspectors, consistent with
14 standard medical practices, may enter on and into the premises of
15 the licensee, licensed abortion facility or abortion facility that
16 is required to be licensed in this state during regular business
17 hours of the licensee or abortion facility to determine compliance
18 with the provisions of Section 1-729a et seq. of ~~Title 63 of the~~
19 ~~Oklahoma Statutes~~ this title, local fire ordinances or rules, and
20 any other law, administrative rule or regulation relating to
21 abortion.

22 D. An application for a license to operate a private office,
23 freestanding outpatient clinic or other facility or clinic in which
24 abortions are performed constitutes permission for, and complete

1 acquiescence in, an entry or inspection of the premises during the
2 pendency of the application and, if licensed, during the term of the
3 license.

4 E. If an inspection or investigation conducted pursuant to this
5 section reveals that an applicant, licensee or licensed abortion
6 facility is not adhering to the requirements of this section, the
7 provisions of Title 1-729a et seq. of ~~Title 63 of the Oklahoma~~
8 ~~Statutes~~ this title, local fire ordinances or rules and any other
9 law, administrative rule or regulation relating to abortion, the
10 Commissioner may take action to deny, suspend, revoke or refuse to
11 renew a license to operate an abortion facility. The State
12 Department of Health shall maintain on its website a list of all
13 infractions discovered through investigations and inspections
14 conducted pursuant to this section.

15 SECTION 2. This act shall become effective November 1, 2019.

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