

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 960

By: Treat of the Senate

and

6 McCall and Conley of the
7 House

8
9
10 An Act relating to maternal and child health;
11 amending 10A O.S. 2011, Section 1-2-109, which
12 relates to relinquishment of child to medical
13 services provider or child rescuer; expanding certain
14 allowed time period; providing for delivery of child
15 by newborn safety device; specifying requirements of
16 newborn safety device; amending 21 O.S. 2011, Section
17 851, which relates to desertion of children;
18 providing certain affirmative defense to prosecution;
19 amending Section 3, Chapter 308, O.S.L. 2017 (63 O.S.
20 Supp. 2020, Section 1-740.17), which relates to
21 grants to private organizations for services;
22 broadening allowed purposes of grants; excluding
23 certain organizations; providing an effective date;
24 and declaring an emergency.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-109, is
amended to read as follows:

Section 1-2-109. A. A parent subject to the provisions of this
act shall not be prosecuted for child abandonment or child neglect

1 under the provisions of any statute which makes child abandonment or
2 child neglect a crime, when the allegations of child abandonment or
3 child neglect are based solely on the relinquishment of a child
4 ~~seven (7)~~ thirty (30) days of age or younger to a medical services
5 provider or a child rescuer as defined in this section.

6 B. The following entities shall, without a court order, take
7 possession of a child ~~seven (7)~~ thirty (30) days of age or younger
8 if the child is voluntarily delivered to the entity by the parent of
9 the child and the parent did not express an intent to return for the
10 child:

- 11 1. A medical services provider; or
- 12 2. A child rescuer.

13 C. Delivery of the child may be effectuated by an in-person
14 transfer of the child to the medical services provider or child
15 rescuer or by leaving the child in a newborn safety device that is:

- 16 1. Voluntarily installed by the medical services provider or
17 child rescuer;
- 18 2. Physically located inside a police station, fire station,
19 child protective services agency, hospital or other medical
20 facility; and
- 21 3. Located in an area that is conspicuous and visible to the
22 employees of the police station, fire station, child protective
23 services agency, hospital or other medical facility.

1 D. A medical services provider or child rescuer that installs a
2 newborn safety device shall:

3 1. Be responsible for the cost of the installation; and

4 2. Install an adequate dual alarm system connected to the
5 physical location of the newborn safety device that is:

6 a. tested at least one time per week to ensure the alarm
7 system is in working order, and

8 b. visually checked at least two times per day to ensure
9 the alarm system is in working order.

10 E. Any entity identified in subsection B of this section to
11 which a parent seeks to relinquish a child pursuant to the
12 provisions of this section may:

13 1. Request, but not demand, any information about the child
14 that the parent is willing to share. The entity is encouraged to
15 ask about, but not demand, the details of any relevant medical
16 history relating to the child or the parents of the child. The
17 entity shall respect the wish of the parent if the parent desires to
18 remain anonymous; and

19 2. Provide the parent with printed information relating to the
20 rights of the parents, including both parents, with respect to
21 reunification with the child and sources of counseling for the
22 parents, if desired.

1 ~~D.~~ F. Once a child has been relinquished to any entity
2 identified in subsection B of this section, the entity receiving the
3 child shall:

4 1. Perform or provide for the performance of any act necessary
5 to protect the physical health or safety of the child; and

6 2. Notify the local office of the Department that a parent of a
7 child ~~seven (7)~~ thirty (30) days of age or younger, in the best
8 judgment of the receiving entity, has relinquished such child and
9 that the entity has taken possession of the child.

10 ~~E.~~ G. Upon being made aware that a medical services provider or
11 child rescuer has possession of a child under the provisions of this
12 ~~act~~ section, the Department of Human Services shall immediately
13 check with law enforcement authorities to determine if a child has
14 been reported missing and whether the missing child could be the
15 relinquished child.

16 ~~F.~~ H. The Department shall design and disseminate:

17 1. A simplified form for the recording of medical or other
18 information that a relinquishing parent wishes to share with the
19 entity to whom the child is being relinquished;

20 2. Easily understood printed materials that give information
21 about parents' rights with regard to reunification with a child
22 including, but not limited to, information on how a parent can
23 contact the appropriate entity regarding reunification, and
24 information on sources of counseling for relinquishing parents; and

1 3. Media information~~7~~ including printed material~~7~~ that creates
2 public awareness about the provisions of this act.

3 ~~G.~~ I. For purposes of this section:

4 1. "Medical services provider" means a person authorized to
5 practice the healing arts~~7~~ including a physician's assistant or
6 nurse practitioner, a registered or practical nurse and a nurse
7 aide; and

8 2. "Child rescuer" means any employee or other designated
9 person on duty at a police station, fire station, child protective
10 services agency, hospital~~7~~ or other medical facility.

11 ~~H.~~ J. A medical services provider or child rescuer with
12 responsibility for performing duties pursuant to this section shall
13 be immune from any criminal liability that might otherwise result
14 from the actions of the entity, if acting in good faith in receiving
15 a relinquished child. In addition, such medical provider or child
16 rescuer shall be immune from any civil liability that might
17 otherwise result from merely receiving a relinquished child.

18 SECTION 2. AMENDATORY 21 O.S. 2011, Section 851, is
19 amended to read as follows:

20 Section 851. A. Any parent of any child or children under the
21 age of ten (10) years, and every person to whom such child or
22 children have been confided for nurture or education, who deserts
23 such child or children within ~~the State of Oklahoma~~ this state, or
24 takes such child or children without ~~the State of Oklahoma~~ this

1 state, with the intent wholly to abandon it shall be deemed guilty
2 of a felony and, upon conviction thereof shall be punished by
3 imprisonment in the State Penitentiary for any period of time not
4 less than one (1) year nor more than ten (10) years.

5 B. It is an affirmative defense to a prosecution under this
6 section that a parent voluntarily delivered a child under the age of
7 thirty (30) days to and left the child with, or voluntarily arranged
8 for another person to deliver a child to and leave the child with, a
9 medical services provider or child rescuer as provided in Section 1-
10 2-109 of Title 10A of the Oklahoma Statutes.

11 SECTION 3. AMENDATORY Section 3, Chapter 308, O.S.L.
12 2017 (63 O.S. Supp. 2020, Section 1-740.17), is amended to read as
13 follows:

14 Section 1-740.17. A. The State Department of Health shall make
15 grants, from funds appropriated by the Legislature specifically for
16 this purpose, to a grant-supervising entity for the purpose of
17 reimbursing private organizations in Oklahoma for the reasonable
18 expenses of programs providing the following services:

19 1. Providing information on, referral to, and assistance in
20 securing the services of relevant existing programs or agencies that
21 assist women in Oklahoma to carry their children to term, and/or
22 providing services that assist women to carry their children to
23 term, including, but not limited to, agencies and programs that will
24 provide medical attention for the pregnant woman for the duration of

1 her pregnancy, nutritional support services, housing assistance,
2 adoption services, education and employment assistance and parenting
3 education and support services; ~~and~~

4 2. Providing women in Oklahoma, in person and through community
5 outreach, information and/or services that encourage and assist them
6 to carry their children to term; and

7 3. Providing services including, but not limited to, healthcare
8 services to mothers and infants for the purpose of reducing the
9 rates of maternal mortality and infant mortality in this state by
10 three percent (3%) within five (5) years of the effective date of
11 this act; provided, however, no funds shall be provided to an
12 organization that provides, or whose affiliates provide, abortion
13 services.

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

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

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

19 3. ~~Provide~~ For services described in paragraphs 1 and 2 of
20 subsection A of this section, provide each pregnant woman counseled
21 with accurate information on the developmental characteristics of
22 unborn children, including offering the printed information
23 described in Section 1-738.3 of Title 63 of the Oklahoma Statutes;
24

1 4. Assure that the grant's sole purposes are to assist and
2 encourage women to carry their children to term and to maximize
3 their potentials thereafter or to reduce the rates of maternal
4 mortality and infant mortality in this state as provided in
5 paragraph 3 of subsection A of this section; and

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

11 SECTION 4. This act shall become effective July 1, 2021.

12 SECTION 5. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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17 DIRECT TO CALENDAR.
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