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February 22, 2021

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 960

By: Treat

An Act relating to maternal and child health; amending 10A O.S. 2011, Section 1-2-109, which relates to relinquishment of child to medical services provider or child rescuer; expanding certain allowed time period; providing for delivery of child by newborn safety device; specifying requirements of newborn safety device; amending 21 O.S. 2011, Section 851, which relates to desertion of children; providing certain affirmative defense to prosecution; amending Section 3, Chapter 308, O.S.L. 2017 (63 O.S. Supp. 2020, Section 1-740.17), which relates to grants to private organizations for services; broadening allowed purposes of grants; excluding certain organizations; providing an effective date; 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 under the provisions of any statute which makes child abandonment or child neglect a crime, when the allegations of child abandonment or child neglect are based solely on the relinquishment of a child

1 ~~seven (7)~~ thirty (30) days of age or younger to a medical services
2 provider or a child rescuer as defined in this section.

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

8 1. A medical services provider; or

9 2. A child rescuer.

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

13 1. Voluntarily installed by the medical services provider or
14 child rescuer;

15 2. Physically located inside a police station, fire station,
16 child protective services agency, hospital or other medical
17 facility; and

18 3. Located in an area that is conspicuous and visible to the
19 employees of the police station, fire station, child protective
20 services agency, hospital or other medical facility.

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

23 1. Be responsible for the cost of the installation; and
24

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

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

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

7 E. Any entity identified in subsection B of this section to
8 which a parent seeks to relinquish a child pursuant to the
9 provisions of this section may:

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

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

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

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

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

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

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

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

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

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

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

23 1. "Medical services provider" means a person authorized to
24 practice the healing arts~~7~~ including a physician's assistant or

1 nurse practitioner, a registered or practical nurse and a nurse
2 aide; and

3 2. "Child rescuer" means any employee or other designated
4 person on duty at a police station, fire station, child protective
5 services agency, hospital, or other medical facility.

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

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

15 Section 851. A. Any parent of any child or children under the
16 age of ten (10) years, and every person to whom such child or
17 children have been confided for nurture or education, who deserts
18 such child or children within ~~the State of Oklahoma~~ this state, or
19 takes such child or children without ~~the State of Oklahoma~~ this
20 state, with the intent wholly to abandon it shall be deemed guilty
21 of a felony and, upon conviction thereof shall be punished by
22 imprisonment in the State Penitentiary for any period of time not
23 less than one (1) year nor more than ten (10) years.

24

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

7 SECTION 3. AMENDATORY Section 3, Chapter 308, O.S.L.
8 2017 (63 O.S. Supp. 2020, Section 1-740.17), is amended to read as
9 follows:

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

15 1. Providing information on, referral to~~7~~ and assistance in
16 securing the services of relevant existing programs or agencies that
17 assist women in Oklahoma to carry their children to term, and/or
18 providing services that assist women to carry their children to
19 term~~7~~ including, but not limited to, agencies and programs that will
20 provide medical attention for the pregnant woman for the duration of
21 her pregnancy, nutritional support services, housing assistance,
22 adoption services, education and employment assistance and parenting
23 education and support services; ~~and~~

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

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

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

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

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

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

21 4. Assure that the grant's sole purposes are to assist and
22 encourage women to carry their children to term and to maximize
23 their potentials thereafter or to reduce the rates of maternal
24

1 mortality and infant mortality in this state as provided in
2 paragraph 3 of subsection A of this section; and

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
14 February 22, 2021 - DO PASS AS AMENDED
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