

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1874

By: West (Tammy)

AS INTRODUCED

An Act relating to organizations; requiring consent for recording or photographing images of people from or living in developing countries; prescribing contents of consent; prohibiting coercion or force of subjects; banning photography or recording of unclothed subjects; proscribing photography or recording in dangerous situations or if health or physical safety is jeopardized; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1301 of Title 18, unless there is created a duplication in numbering, reads as follows:

A. Any private, nonprofit or for-profit organization which receives public funds from the state and provides philanthropic or humanitarian services to adults and children from developing countries or who are living in developing countries shall obtain consent for videography and photography before recording or

1 photographing images of children and adults from or in developing
2 countries. The consent shall:

3 1. Be written in a language that the subject of the videography
4 or photography prefers or is most proficient in. If the subject is
5 illiterate, verbal consent in the preferred language of the subject
6 may be given and recorded on video. If the subject is a child under
7 eighteen (18) years of age, consent shall be obtained from the
8 parent, guardian or person responsible for the child. If the child
9 is without adult supervision or care, action should be taken by the
10 organization to address the physical safety and medical needs of the
11 child prior to recording or photographing images of the child;

12 2. Be revocable at any time;

13 3. Be specific and explain how the recorded or visual images
14 will be used and disseminated;

15 4. State how the images will be stored and accessed, including
16 storage in a safe and regulated environment with controlled access;
17 and

18 5. Not be required as a condition for receiving or obtaining
19 services or assistance from the organization.

20 B. In addition to the requirements listed in subsection A of
21 this section, children and adults shall not:

22 1. Be coerced or forced to participate in being recorded or
23 photographed;

1 2. Be recorded, photographed or otherwise pictorially
2 represented if they are unclothed and if their torso or any private
3 parts are exposed; and

4 3. Be recorded, photographed or otherwise pictorially
5 represented if they are in a dangerous situation or their health or
6 physical safety is in jeopardy.

7 C. As used in this section:

8 1. "Developing countries" means countries that are economically
9 and socially disadvantaged;

10 2. "Humanitarian" means concerned with or seeking to promote
11 human welfare; and

12 3. "Philanthropic" means seeking to promote the welfare of
13 others, especially by donating money or goods to charitable causes.

14 SECTION 2. This act shall become effective November 1, 2021.

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