

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	SB1503
Version:	ENGR
Request Number:	
Author:	Rep. Russ and Sen. Daniels
Date:	4/6/2022
Impact:	No impact

Research Analysis

SB 1503 creates the Oklahoma Heartbeat Act. The measure provides that a physician may not knowingly perform or induce an abortion on a pregnant woman unless the physician has determined whether the unborn child has a detectable fetal heartbeat. The measure requires the physician to use a certain test with specified criteria. The physician is also required to record certain information in the pregnant woman's medical record. The measure does not apply if the physician believes a medical emergency exists that prevents compliance with the act.

The measure clarifies that its provisions will not be construed to allow abortion in the state or to authorize the initiation of a cause of action against or the prosecution of a woman on whom an abortion is performed or induced. The measure will not be construed to wholly or partly repeal any statute that prohibits abortion, nor will it be construed to prohibit a political subdivision from regulating or prohibiting abortion in any manner. The requirements of the act will be enforced exclusively through private civil actions. No enforcement will be undertaken by the state, a political subdivision, a district attorney, or an executive or administrative officer or employee of this state or a political subdivision against any person.

The measure authorizes any person, other than the state, its political subdivisions, and any officer or employee of a state or local governmental entity in this state to bring a civil action against any person who performs or induces an abortion as well as any person who engages in conduct that aids or abets the performance or inducement of an abortion. Claimants that prevail in actions brought under the provisions of this measure will be entitled to relief sufficient to prevent the defendant from violating the provisions of this measure and statutory damages amounting to not less than \$10,000.00 for each abortion that the defendant performed, induced, or abetted. Court costs and attorney fees in addition to nominal costs for emotional distress and loss of consortium will be awarded to the claimants as well. No award will be made if the defendant previously paid not less than \$10,000.00 for the particular abortion named in the claim. Claims may be brought forward within 6 years of the date the alleged violation occurred.

The measure provides certain defenses and non-defenses to civil action brought under this bill. Civil actions must be brought in the county in which all or a substantial part of the events or omissions giving rise to the claim occurred, the county of residence for the defendant, the county of the principal office of any one of the defendants that is not a natural person, or county of residence for the claimant if the claimant is a natural person residing in the state. The measure provides that physicians under contract with or employees of federal agencies will not be required to detect a fetal heartbeat if a prohibition on that abortion would violate the doctrines of preemption or intergovernmental immunity. The bill also provides that civil actions brought under the provisions of this measure will not be subject to the provisions of the Oklahoma Citizens Participation Act. Civil action may not be brought against the woman upon whom an abortion was performed or against common carriers transporting the woman. The bill provides

that no court of this state will have jurisdiction to consider any action, claim, or counterclaim that seeks declaratory or injunctive relief to prevent any person from enforcing any provision or application of this measure. The act provides for severability of the provisions in this measure and prevents any court from rewriting any provision in the measure. The measure declares an emergency.

Prepared By: Dan Brooks

Fiscal Analysis

SB 1503 has no fiscal considerations to the state.

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Other Considerations

None.