

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3324 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Clay Staires

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3324

By: Staires

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to parents' rights; prohibiting certain laws and statutes from being enforced; providing for private right of action; providing for damages; authorizing action under act regardless of exhaustion of other remedies; providing that sovereign immunity shall not be defense; providing for severability of provisions; requiring for parental notification and consent; 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 2006 of Title 25, unless there is created a duplication in numbering, reads as follows:

No federal executive order, agency order, rule, guidance document, memorandum, directive, regulation, or administrative interpretation of a law or statute enrolled by the United States

1 Congress and signed by the President of the United States,
2 including, without limitation, any provision of the Bipartisan Safer
3 Communities Act, which allows any medical, health care, behavioral,
4 or mental health treatment, service, therapy, or counseling without
5 parental notification in writing or parental consent in writing in
6 contravention of the medical, health care, and mental health-related
7 provisions of the Oklahoma Parents' Bill of Rights, shall be
8 enforced or ordered to be enforced by any official, agent, or
9 employee of this state or a political subdivision thereof or any
10 person acting under color of state law.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2007 of Title 25, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Notwithstanding any federal executive order, agency order,
15 rule, guidance document, memorandum, directive, regulation, or
16 administrative interpretation of a law or statute enrolled by the
17 United States Congress and signed by the President of the United
18 States, including, without limitation, any provision of the
19 Bipartisan Safer Communities Act, any person, corporation, or other
20 entity which violates the medical, health care, and mental health-
21 related parental notification in writing and parental consent in
22 writing requirements of the Oklahoma Parents' Bill of Rights may be
23 subject to a civil suit for damages brought by any parent whose
24 rights secured by those sections were violated. Relief available in

1 such a civil suit may include, without limitation, actual damages,
2 court costs, reasonable attorney fees as ordered by the court, and
3 punitive damages if the violation satisfies the standards for
4 imposition of punitive damages elsewhere provided by law.

5 B. An individual may assert a violation of this act as a claim
6 in any judicial or administrative proceeding or as defense in any
7 judicial or administrative proceeding without regard to whether the
8 proceeding is brought by or in the name of the government, any
9 private person, or any other party.

10 C. An action under this act may be commenced, and relief may be
11 granted, in a court of the state without regard to whether the
12 individual commencing the action has sought or exhausted available
13 administrative remedies.

14 D. Sovereign immunity shall not be an affirmative defense in
15 any action pursuant to this act.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2009 of Title 25, unless there
18 is created a duplication in numbering, reads as follows:

19 Any federal executive order, agency order, rule, guidance
20 document, memorandum, directive, regulation, or administrative
21 interpretation of a law or statute enrolled by the United States
22 Congress and signed by the President of the United States,
23 including, without limitation, any provision of Title X of the
24 Public Health Service (PHS) Act, which allows any medical, health

1 care, behavioral, or mental health treatment, service, therapy, or
2 counseling without parental notification in writing or parental
3 consent in writing in contravention of the medical, health care, and
4 mental health-related provisions of the Oklahoma Parents' Bill of
5 Rights shall not be enforced or ordered to be enforced by any
6 official, agent, or employee of this state or a political
7 subdivision thereof or any person acting under color of state law.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 2010 of Title 25, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Notwithstanding any federal executive order, agency order,
12 rule, guidance document, memorandum, directive, regulation, or
13 administrative interpretation of a law or statute enrolled by the
14 United States Congress and signed by the President of the United
15 States, including, without limitation, any provision of Title X of
16 the Public Health Service (PHS) Act or the OPA Program Policy Notice
17 2014-01 (June 5, 2014), which allows any medical, health care,
18 behavioral, or mental health treatment, service, therapy, or
19 counseling, without parental notification in writing or parental
20 consent in writing in contravention of the medical and mental
21 health-related provisions of the Oklahoma Parents' Bill of Rights,
22 any person, corporation, or other entity who violates the medical
23 and mental health-related parental notification and consent
24 requirements of the Oklahoma Parents' Bill of Rights may be subject

1 to a civil suit for damages brought by any parent whose rights
2 secured by those sections were violated. Relief available in such a
3 civil suit may include, without limitation, actual damages, court
4 costs, reasonable attorney fees as ordered by the court, and
5 punitive damages if the violation satisfies the standards for
6 imposition of punitive damages elsewhere provided by law.

7 B. An individual may assert a violation of this act as a claim
8 in any judicial or administrative proceeding or as defense in any
9 judicial or administrative proceeding without regard to whether the
10 proceeding is brought by or in the name of the government, any
11 private person, or any other party.

12 C. An action under this act may be commenced, and relief may be
13 granted, in a court of the state without regard to whether the
14 individual commencing the action has sought or exhausted available
15 administrative remedies.

16 D. Sovereign immunity shall not be an affirmative defense in
17 any action pursuant to this act.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2011 of Title 25, unless there
20 is created a duplication in numbering, reads as follows:

21 A. No student shall be required to participate in a mental
22 health, behavioral health, or sex education class or program unless
23 and until a parent or guardian of the student consents in writing to
24 such participation. If the instruction or program is a part of or

1 is taught during a credit course, a student may be required to
2 enroll in the course but shall not be required to receive
3 instruction in or participate in the instruction or program unless
4 and until a parent or guardian consents in writing.

5 B. Any person, corporation, or other entity who violates the
6 parental notification and consent requirements of this section may
7 be subject to a civil suit. Relief available in such a civil suit
8 may include, without limitation, actual damages, court costs,
9 reasonable attorney fees as ordered by the court, and punitive
10 damages if the violation satisfies the standards for imposition of
11 punitive damages elsewhere provided by law.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2012 of Title 25, unless there
14 is created a duplication in numbering, reads as follows:

15 If any one or more provisions, sections, subsections, sentences,
16 clauses, phrases, or words of this act or the application thereof to
17 any person or circumstance is found to be unconstitutional, the same
18 is hereby declared to be severable and the balance of this act shall
19 remain effective notwithstanding such unconstitutionality. The
20 Legislature hereby declares that it would have passed this act, and
21 each provision, section, subsection, sentence, clause, phrase, or
22 word thereof, irrespective of the fact that any one or more
23 provisions, sections, subsections, sentences, clauses, phrases, or
24 words be declared unconstitutional.

SECTION 7. This act shall become effective November 1, 2024.

59-2-9872 CMA 01/22/24