

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 287

By: Hamilton

AS INTRODUCED

An Act relating to abortion; amending Section 1, Chapter 11, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-731.4), which relates to prohibition of abortion; removing certain restriction on prosecution; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 11, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-731.4), is amended to read as follows:

Section 1-731.4. A. As used in this section:

1. The terms "abortion" and "unborn child" shall have the same meaning as provided by Section 1-730 of Title 63 of the Oklahoma Statutes; and

2. "Medical emergency" means a condition which cannot be remedied by delivery of the child in which an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness or physical injury including a

1 life-endangering physical condition caused by or arising from the  
2 pregnancy itself.

3 B. 1. Notwithstanding any other provision of law, a person  
4 shall not purposely perform or attempt to perform an abortion except  
5 to save the life of a pregnant woman in a medical emergency.

6 2. A person convicted of performing or attempting to perform an  
7 abortion shall be guilty of a felony punishable by a fine not to  
8 exceed One Hundred Thousand Dollars (\$100,000.00), or by confinement  
9 in the custody of the Department of Corrections for a term not to  
10 exceed ten (10) years, or by such fine and imprisonment.

11 3. This section does not:

12 ~~a. authorize the charging or conviction of a woman with~~  
13 ~~any criminal offense in the death of her own unborn~~  
14 ~~child, or~~

15 ~~b. prohibit the sale, use, prescription or administration~~  
16 ~~of a contraceptive measure, drug or chemical if the~~  
17 ~~contraceptive measure, drug or chemical is~~  
18 ~~administered before the time when a pregnancy could be~~  
19 ~~determined through conventional medical testing and if~~  
20 ~~the contraceptive measure, drug or chemical is sold,~~  
21 ~~used, prescribed or administered in accordance with~~  
22 ~~manufacturer instructions.~~

23 4. It is an affirmative defense to prosecution under this  
24 section if a licensed physician provides medical treatment to a  
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1 pregnant woman which results in the accidental or unintentional  
2 injury or death to the unborn child.

3 SECTION 2. It being immediately necessary for the preservation  
4 of the public peace, health or safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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