

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3955

By: Blancett

AS INTRODUCED

An Act relating to childbirth and mental health; amending 63 O.S. 2021, Section 1-740.16, which relates to definitions used in the Choosing Childbirth Act; modifying definition; amending 63 O.S. 2021, Section 1-740.17, which relates to grants to private organizations for services; modifying grantmaking authority of the State Department of Health; describing methods of making grants and approving grant amounts; stipulating additional reimbursable services; extending time period of certain services; including the State Department of Mental Health and Substance Abuse Services; amending 63 O.S. 2021, Section 1-740.18, which relates to grant compliance and monitoring; conforming language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-740.16, is amended to read as follows:

Section 1-740.16 As used in the Choosing Childbirth Act:

1. "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to intentionally:

1 a. kill the unborn child of a woman known to be pregnant,
2 or

3 b. terminate the pregnancy of a woman known to be
4 pregnant, with an intention other than:

5 (1) after viability of the unborn child, to produce a
6 live birth and preserve the life and health of
7 the child born alive, or

8 (2) to remove a dead unborn child;

9 2. "Unborn child" means an individual organism of the species
10 Homo sapiens from fertilization until birth; and

11 3. "Grant-supervising entity" means a private entity which
12 approves all grants made under the Choosing Childbirth Act that are
13 not directly made to private organizations by the State Department
14 of Health for reimbursement of services provided under the Choosing
15 Childbirth Act and which:

16 a. is organized as a not-for-profit corporation in
17 ~~Oklahoma~~ this state and as a 501(c)3 entity under the
18 federal Internal Revenue Code, and

19 b. does not encourage or counsel any woman to have an
20 abortion not necessary to prevent her death, to
21 provide her such an abortion or to refer her for such
22 an abortion, and does not accept funds or services
23 knowingly from any entity which performs abortions or
24 receives money for abortions.
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1 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-740.17, is
2 amended to read as follows:

3 Section 1-740.17 A. The State Department of Health and the
4 Oklahoma Department of Mental Health and Substance Abuse Services
5 shall make grants, as directed in subsection B of this section, from
6 funds appropriated by the Legislature ~~specifically for this purpose,~~
7 ~~to a grant-supervising entity for the purpose of reimbursing~~ for the
8 Choosing Childbirth Act.

9 B. The purpose of the grants shall be to reimburse private
10 organizations in ~~Oklahoma~~ this state for the reasonable expenses of
11 programs providing the ~~following~~ services listed in subsection C of
12 this section. The Departments shall make grants either:

13 1. Directly to the private organizations;

14 2. To one or more grant-supervising entities, who shall
15 reimburse the private organizations; or

16 3. Both directly to the private organizations and to one or
17 more grant-supervising entities, who shall reimburse the private
18 organizations.

19 C. Reimbursable services provided under the Choosing Childbirth
20 Act shall include:

21 1. Providing information on, referral to and assistance in
22 securing the services of relevant existing programs or agencies that
23 assist women in ~~Oklahoma~~ this state to carry their children to term,
24 and/or providing services that assist women to carry their children
..

1 to term including, but not limited to, agencies and programs that
2 will provide:

- 3 a. medical attention for the pregnant woman for the
4 duration of her pregnancy including, but not limited
5 to, obstetric ultrasounds,
- 6 b. mental health and substance abuse services,
- 7 c. nutritional support services,
- 8 d. housing assistance,
- 9 e. transportation assistance,
- 10 f. adoption services,
- 11 g. education and employment assistance, and
- 12 h. parenting education and support services;

13 2. Providing women in ~~Oklahoma~~ this state, in person and
14 through community outreach, information and/or services that
15 encourage and assist them to carry their children to term; and

16 3. Providing services including, but not limited to, healthcare
17 services to mothers and infants up to three (3) years postpartum for
18 the purpose of reducing the rates of maternal mortality and infant
19 mortality in this state by three percent (3%) ~~within five (5) years~~
20 ~~of the effective date of this act~~ not later than July 1, 2026;
21 provided, however, no funds shall be provided to an organization
22 that provides, or whose affiliates provide, abortion services.

23 ~~B.~~ D. To be eligible for a service grant, an organization
24 shall:

1 1. Be registered with the ~~Oklahoma~~ Secretary of State as a not-
2 for-profit corporation located in Oklahoma or be a certified
3 treatment provider by the Oklahoma Department of Mental Health and
4 Substance Abuse Services.

5 2. Have the grant amount approved by a:

6 a. the grant-supervising entity, if the grant was
7 provided to the private organization by a grant-
8 supervising entity, or

9 b. if the grant was provided directly, by the State
10 Department of Health or the Oklahoma Department of
11 Mental Health and Substance Abuse Services;

12 3. For services described in paragraphs 1 and 2 of subsection A
13 C of this section, provide each pregnant woman counseled with
14 accurate information on the developmental characteristics of unborn
15 children including offering the printed information described in
16 Section 1-738.3 of Title 63 of the Oklahoma Statutes;

17 4. Assure that the grant's sole purposes are to assist and
18 encourage women to carry their children to term and to maximize
19 their potentials thereafter as provided in paragraphs 1 and 2 of
20 subsection C of this section or to reduce the rates of maternal
21 mortality and infant mortality in this state as provided in
22 paragraph 3 of subsection ~~A~~ C of this section; and

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

4 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-740.18, is
5 amended to read as follows:

6 Section 1-740.18 The State Department of Health shall ~~make~~
7 ~~grants to a grant-supervising entity under the Choosing Childbirth~~
8 ~~Act from funds appropriated by the Legislature specifically for this~~
9 ~~purpose. The State Department of Health shall annually monitor and~~
10 review the any grant-supervising entity participating in the
11 Choosing Childbirth act and any private organization directly
12 receiving a service grant from the Department to ~~assure~~ ensure that
13 the grant-supervising entity or private organization carefully
14 adheres to the purposes and requirements of the Choosing Childbirth
15 Act, ~~and it.~~ The Department shall cease funding a grant-supervising
16 entity or private organization that fails to ~~do so~~ adhere to such
17 purposes and requirements if the Department proves specific findings
18 of noncompliance, subject to judicial review.

19 SECTION 4. This act shall become effective July 1, 2024.

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

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