

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1328

By: Rosino

AS INTRODUCED

An Act relating to health care; amending 25 O.S. 2021, Section 2002, which relates to the Parents' Bill of Rights; modifying exception to certain right; amending 63 O.S. 2021, Section 2602, which relates to medical treatment of minors; removing certain prohibition on parental notice; clarifying applicability of certain provisions; granting certain right to parent or legal guardian; providing exceptions; updating statutory language and references; making language gender neutral; and providing an effective date.

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

SECTION 1. AMENDATORY 25 O.S. 2021, Section 2002, is amended to read as follows:

Section 2002. A. All parental rights are reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision of this state, any other governmental entity, or any other institution, including, but not limited to, the following rights:

1. The right to direct the education of the minor child;

1 2. All rights of parents identified in Title 70 of the Oklahoma
2 Statutes, including the right to access and review all school
3 records relating to the minor child;

4 3. The right to direct the upbringing of the minor child;

5 4. The right to direct the moral or religious training of the
6 minor child;

7 5. The right to make ~~healthcare~~ health care decisions for the
8 minor child, unless otherwise prohibited by law;

9 6. The right to access and review all medical records of the
10 minor child ~~unless~~ except as provided by subsection D of Section
11 2602 of Title 63 of the Oklahoma Statutes or as otherwise prohibited
12 provided by law ~~or the parent is the subject of an investigation of~~
13 ~~a crime committed against the minor child and a law enforcement~~
14 ~~official requests that the information not be released;~~

15 7. The right to consent in writing before a biometric scan of
16 the minor child is made, shared, or stored;

17 8. The right to consent in writing before any record of the
18 minor child's blood or deoxyribonucleic acid (DNA) is created,
19 stored, or shared, except as required by Sections 1-516 and 1-524.1
20 of Title 63 of the Oklahoma Statutes, or unless authorized pursuant
21 to a court order;

22 9. The right to consent in writing before the state or any of
23 its political subdivisions makes a video or voice recording of the
24 minor child, unless the video or voice recording is made during or
25

1 as a part of a court proceeding, by law enforcement officers during
2 or as part of a law enforcement investigation, during or as part of
3 a forensic interview in a criminal or Department of Human Services
4 investigation, or to be used solely for any of the following:

- 5 a. safety demonstrations, including the maintenance of
6 order and discipline in the common areas of a school
7 or on student transportation vehicles,
- 8 b. a purpose related to a legitimate academic or
9 extracurricular activity,
- 10 c. a purpose related to regular classroom instruction,
- 11 d. security or surveillance of buildings or grounds, and
- 12 e. a photo identification card; and

13 10. The right to be notified promptly if an employee of this
14 state, any political subdivision of this state, any other
15 governmental entity, or any other institution suspects that a
16 criminal offense has been committed against the minor child by
17 someone other than a parent, unless the incident has first been
18 reported to law enforcement and notification of the parent would
19 impede a law enforcement or Department of Human Services
20 investigation. This paragraph does not create any new obligation
21 for school districts and charter schools to report misconduct
22 between students at school, such as fighting or aggressive play,
23 that is routinely addressed as a student disciplinary matter by the
24 school.

1 B. This section does not authorize or allow a parent to engage
2 in conduct that is unlawful or to abuse or neglect a child in
3 violation of the laws of this state. This section shall not be
4 construed to apply to a parental action or decision that would end
5 life. This section does not prohibit courts, law enforcement
6 officers, or employees of a government agency responsible for child
7 welfare from acting in their official capacity within the reasonable
8 and prudent scope of their authority. This section does not
9 prohibit a court from issuing an order that is otherwise permitted
10 by law.

11 C. Any attempt to encourage or coerce a minor child to withhold
12 information from the child's parent shall be grounds for discipline
13 of an employee of this state, any political subdivision of this
14 state, or any other governmental entity, except for law enforcement
15 personnel.

16 D. Unless those rights have been legally waived or legally
17 terminated, parents have inalienable rights that are more
18 comprehensive than those listed in this section. The Parents' Bill
19 of Rights does not prescribe all rights of parents. Unless
20 otherwise required by law, the rights of parents of minor children
21 shall not be limited or denied. The Parents' Bill of Rights shall
22 not be construed to apply to a parental action or decision that
23 would end life.

SECTION 2. AMENDATORY 63 O.S. 2021, Section 2602, is

amended to read as follows:

Section 2602. A. Notwithstanding any other provision of law, the following minors may consent to have services provided by health professionals in the following cases:

1. Any minor who is married, has a dependent child, or is emancipated;

2. Any minor who is separated from his or her parents or legal guardian for whatever reason and is not supported by his or her parents or legal guardian;

3. Any minor who is or has been pregnant, or afflicted with any reportable communicable disease, drug and substance abuse, or abusive use of alcohol; provided, however, that such self-consent only applies to the prevention, diagnosis, and treatment of those conditions specified in this section. Any health professional who accepts the responsibility of providing such health services also assumes the obligation to provide counseling for the minor by a health professional. ~~If the minor is found not to be pregnant nor suffering from a communicable disease nor drug or substance abuse nor abusive use of alcohol, the health professional shall not reveal any information whatsoever to the spouse, parent or legal guardian, without the consent of the minor;~~

4. Any minor parent as to his or her child;

1 5. Any spouse of a minor when the minor is unable to give
2 consent by reason of physical or mental incapacity;

3 6. Any minor who by reason of physical or mental ~~capacity~~
4 incapacity cannot give consent and has no known relatives or legal
5 guardian, if two physicians agree on the health service to be given;

6 7. Any minor in need of emergency services for conditions which
7 will endanger his or her health or life if delay would result by
8 obtaining consent from his or her spouse, parent, or legal guardian;
9 provided, however, that the prescribing of any medicine or device
10 for the prevention of pregnancy shall not be considered such an
11 emergency service; or

12 8. Any minor who is the victim of sexual assault; provided,
13 however, that such self-consent only applies to a forensic medical
14 examination by a qualified licensed health care professional.

15 B. If any minor falsely represents facts that ~~he may~~ would
16 authorize him or her to give consent under subsection A of this
17 section and a health professional provides health services in good
18 faith based upon that misrepresentation, the minor shall receive
19 full services without the consent of the minor's parent or legal
20 guardian and the health professional shall incur no liability ~~except~~
21 for lack of informed consent unless the provider acts with
22 negligence or causes intentional harm. Consent of the minor shall
23 not be subject to later disaffirmance or revocation because of his
24 or her minority.

1 ~~B.~~ C. The health professional shall ~~be required to~~ make a
2 reasonable attempt to inform the spouse, parent, or legal guardian
3 of the minor of any treatment needed or provided under paragraph 7
4 of subsection A of this section. In all other instances in which a
5 minor may consent to services under this section, the health
6 professional may, but shall not be required to, inform the spouse,
7 parent, or legal guardian of the minor of any treatment needed or
8 provided. The judgment of the health professional as to
9 notification shall be final, and his or her disclosure shall not
10 constitute libel, slander, the breach of the right of privacy, or
11 the breach of the rule of privileged communication, or result in any
12 other breach that would incur liability.

13 D. 1. Except as provided by paragraph 2 of this subsection:

- 14 a. the parent or legal guardian of a minor shall have the
15 right to access and review all medical records of the
16 minor, and
17 b. a health professional shall not prevent or restrict
18 access to the minor's medical records by the parent or
19 legal guardian.

20 2. The provisions of paragraph 1 of this subsection shall not
21 apply to cases:

- 22 a. as described in paragraph 1, 2, 5, or 6 of subsection
23 A of this section,
24

1 b. where such access or review is prohibited by law or
2 where such medical records are designated as
3 privileged or confidential under applicable law,

4 c. where the health professional has a reasonable belief
5 that the minor has been or may be subject to domestic
6 violence, abuse, or neglect by the parent or legal
7 guardian, or

8 d. where the health professional has a reasonable belief
9 that release of the minor's medical records to the
10 parent or legal guardian could endanger the safety of
11 the minor.

12 E. Information about the minor obtained through care by a
13 health professional under the provisions of ~~this act~~ Section 2601 et
14 seq. of this title shall not be disseminated to any health
15 professional, school, law enforcement agency or official, ~~court~~
16 ~~authority,~~ nonjudicial government agency, or official employer,
17 without the consent of the minor, except through court order or
18 specific legal requirements or if the giving of the information is
19 necessary to the health of the minor and public. Statistical
20 reporting may be done when the minor's identity is kept
21 confidential.

22 F. The health professional shall not incur criminal liability
23 for action under the provisions of ~~this act~~ Section 2601 et seq. of
24 this title except for negligence or intentional harm.

SECTION 3. This act shall become effective November 1, 2026.

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