

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1637

By: Jett

AS INTRODUCED

An Act relating to parental rights; creating the Parental Medical Rights Protection Act; providing short title; stating legislative findings; defining term; prohibiting removal of child from custodial parent under certain circumstances; providing exception; requiring showing of clear and convincing evidence for certain removals; authorizing rebuttal of determination by showing of certain evidence; requiring court to allow discovery and expert testimony in certain actions; prohibiting judicial notice of certain matters; providing exception; prohibiting issuance of certain emergency removal order without certain finding; construing provisions; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

A. This act shall be known and may be cited as the "Parental Medical Rights Protection Act".

B. The Legislature finds that parents have a fundamental right to direct the medical care of their children and that the State of Oklahoma's interest in child welfare must be balanced against this

1 right. This Act limits the authority of the Department of Human
2 Services to remove a child solely on allegations of medical neglect.
3 This Act shall be liberally construed to protect the fundamental
4 right of parents to make medical decisions for their children,
5 consistent with the Constitutions of the United States and the State
6 of Oklahoma.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-3-105 of Title 10A, unless
9 there is created a duplication in numbering, reads as follows:

10 A. As used in this act, "medical necessity" means a condition
11 in which the absence of a specific treatment is reasonably certain
12 to result in death or permanent, irreversible physical impairment,
13 and where a safe and efficacious treatment exists that is reasonably
14 expected to prevent such outcome without causing a disproportionate
15 risk of serious harm.

16 B. No child shall be removed from the custody of a parent based
17 solely on allegations of neglect, as defined in Section 1-1-105 of
18 Title 10A of the Oklahoma Statutes, for the failure or omission to
19 provide medical care unless it is shown by clear and convincing
20 evidence that:

21 1. The proposed medical treatment is medically necessary to
22 prevent imminent death or permanent disability; and

23 2. The parent or guardian has refused or failed to obtain such
24 treatment after being fully informed, in writing or by sworn

1 testimony, of such medical necessity by a licensed health care
2 provider.

3 C. A parent or guardian may rebut a showing of medical
4 necessity by demonstrating that:

5 1. The child is receiving, or will receive, treatment under the
6 care of a licensed, registered, or credentialed medical or
7 alternative treatment professional authorized to treat the condition
8 within the scope of his or her recognized practice; and

9 2. The professional holds credentials recognized by any state
10 or federal authority and maintains active malpractice or
11 professional liability insurance.

12 D. The court shall allow parents to obtain discovery and
13 present expert testimony to rebut evidence of medical necessity.
14 The court shall not take judicial notice of contested scientific or
15 medical matters unless all parties agree or such evidence is
16 established through admissible expert testimony.

17 E. In cases alleging medical neglect, no emergency removal
18 order pursuant to Section 1-4-201 of Title 10A of the Oklahoma
19 Statutes shall issue unless the court also finds clear and
20 convincing evidence of other acts or threats of physical abuse
21 posing an imminent risk to the child's safety.

22 F. Nothing in this act shall be construed to prevent the
23 Department of Human Services or law enforcement from acting in cases
24 of immediate and substantial risk of death or physical injury,

1 provided that such action is narrowly tailored to address the
2 specific emergency and is subject to judicial review by a district
3 court within twenty-four (24) hours.

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

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