

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1657

By: Daniels

7 AS INTRODUCED

8 An Act relating to abortion; defining terms; limiting
9 applicability of act; providing certain construction;
10 prohibiting manufacture or provision of abortion-
11 inducing drugs; limiting effect of prohibition;
12 providing for and prohibiting certain enforcement;
13 authorizing certain qui tam actions; specifying
14 conditions for bringing qui tam action; prohibiting
15 certain actions and litigation; prohibiting certain
16 disclosures and access to information; prohibiting
17 certain deposition orders; specifying deadline for
18 certain actions; creating and prohibiting certain
affirmative defenses; specifying burden of proof;
directing and prohibiting award of certain relief;
prohibiting certain acts by public entities;
specifying jurisdiction; specifying applicability of
certain provisions; defining term; specifying
applicability of certain laws; directing award of
certain relief; prohibiting enforcement of certain
judgments; prohibiting certain defenses; providing
for codification; and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 1-745.61 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 1. "Abortion" means the use or prescription of any instrument,
5 medicine, drug, or any other substance or device intentionally to
6 terminate the pregnancy of a female known to be pregnant with an
7 intention other than to increase the probability of a live birth, to
8 preserve the life or health of the child after live birth, to remove
9 an ectopic pregnancy, or to remove a dead unborn child who died as
10 the result of a spontaneous miscarriage, accidental trauma, or a
11 criminal assault on the pregnant female or her unborn child;

12 2. "Abortion-inducing drug" means a medicine, drug, or any
13 other substance prescribed or dispensed with the intent of
14 terminating the pregnancy of a woman known to be pregnant, with
15 knowledge that the termination will with reasonable likelihood cause
16 the death of the unborn child. This includes the off-label use of
17 drugs known to have abortion-inducing properties, which are
18 prescribed specifically with the intent of causing an abortion, such
19 as mifepristone (Mifeprex), misoprostol (Cytotec), and methotrexate.

20 This definition does not apply to drugs that may be known to cause
21 an abortion, but which are prescribed for other medical indications,
22 such as chemotherapeutic agents and diagnostic drugs. The use of
23 such drugs to induce abortion is also known as "medical",
24 "medication", "RU-486", "chemical", "Mifeprex regimen", or "drug-

induced" abortion;

3. "Health care facility" means a facility licensed by the State Department of Health, except the term does not include a hospital;

4. "Health care provider" means a person who is licensed, certified, or registered by this state to provide health care services or a medical group, independent practice association, or professional corporation providing health care services; and

5. "Hospital" means:

- a. a hospital licensed by the State Department of Health under Section 1-702 of Title 63 of the Oklahoma Statutes, or
- b. a hospital owned, maintained, or operated by this state.

SECTION 2. NEW LAW A new section of law to be codified

in the Oklahoma Statutes as Section 1-745.62 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act does not apply to and a civil action under this act may not be brought against:

1. A hospital;

2. A health care facility licensed, owned, maintained, or operated by this state;

3. A health care provider, other than a provider against whom a qui tam action may be brought in accordance with paragraph 8 of

1 subsection D of Section 5 of this act;

2 4. An Internet service provider or the provider's affiliates or
3 subsidiaries;

4 5. An Internet search engine;

5 6. A cloud service provider solely providing access or
6 connection to or from an Internet website or other information or
7 content on the Internet or on a facility, system, or network that is
8 not under the provider's control, including transmission,
9 downloading, intermediate storage, access software, or other
10 services; or

11 7. A person who manufactures, distributes, mails, transports,
12 delivers, prescribes, provides, or possesses abortion-inducing drugs
13 in this state solely for one or more of the following purposes:

14 a. treating a life-threatening medical condition through
15 an abortion performed under Section 861 of Title 21 of
16 the Oklahoma Statutes,

17 b. removing an ectopic pregnancy,

18 c. removing a dead, unborn child whose death was caused
19 by spontaneous abortion, or

20 d. a purpose that does not include performing, inducing,
21 attempting, or assisting an abortion, other than an
22 abortion performed to preserve the life of a pregnant
23 woman as provided by Section 861 of Title 21 of the
24 Oklahoma Statutes.

1 B. This act may not be construed to require the actual
2 performance, inducement, or attempted performance of an abortion in
3 order for a person to bring a civil action authorized by this act.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-745.63 of Title 63, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Except as provided by subsection B of this section or
8 Section 2 of this act, a person may not:

9 1. Manufacture or distribute an abortion-inducing drug in this
10 state; or

11 2. Mail, transport, deliver, prescribe, or provide an abortion-
12 inducing drug in any manner to or from any person or location in
13 this state.

14 B. Subsection A of this section does not prohibit:

15 1. Speech or conduct protected by the First Amendment to the
16 United States Constitution, as made applicable to the states through
17 the United States Supreme Court's interpretation of the Fourteenth
18 Amendment to the United States Constitution, or protected by Section
19 22 of Article II of the Oklahoma Constitution;

20 2. Conduct a pregnant woman engages in during the course of
21 aborting or attempting to abort the woman's unborn child;

22 3. The manufacture, distribution, mailing, transport, delivery,
23 prescribing, provision, or possession of an abortion-inducing drug
24 solely for one or more of the purposes described by paragraph 7 of

1 subsection A of Section 2 of this act; or

2 4. Conduct a person engages in under the direction of a federal
3 agency, contractor, or employee to carry out a duty under federal
4 law, if prohibiting that conduct would violate the doctrine of
5 preemption or intergovernmental immunity.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-745.64 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 A. This act may be enforced only through a qui tam action
10 brought under Section 5 of this act.

11 B. No other direct or indirect enforcement of this act may be
12 taken or threatened by this state, a political subdivision of this
13 state, a district or county attorney, or any officer or employee of
14 this state or a political subdivision of this state against any
15 person, by any means whatsoever, except as provided in this act.

16 C. This section does not preclude or limit the enforcement of
17 any other law or regulation against conduct that is independently
18 prohibited by the other law or regulation and that would remain
19 prohibited by the other law or regulation in the absence of this
20 act.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-745.65 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

24 A. A person, other than this state, a political subdivision of

1 this state, or an officer or employee of this state or a political
2 subdivision of this state, has standing to bring and may bring a qui
3 tam action against a person who:

- 4 1. Violates Section 3 of this act; or
- 5 2. Intends to violate Section 3 of this act.

6 B. An action brought under this section shall be brought in the
7 name of the qui tam relator, who is an assignee of this state's
8 claim for relief. Notwithstanding any other law, the transfer of
9 this state's claim to the qui tam relator is absolute, with the
10 state retaining no interest in the subject matter of the claim.

11 C. A qui tam relator may not bring an action under this section
12 if the action is preempted by 47 U.S.C., Section 230(c).

13 D. A qui tam action may not be brought under this section:

14 1. Against a woman for using, obtaining, or seeking to obtain
15 abortion-inducing drugs to abort or attempt to abort her unborn
16 child;

17 2. Against a person acting under the direction of a federal
18 agency, contractor, or employee who is carrying out a duty under
19 federal law if the imposition of liability would violate the
20 doctrine of preemption or intergovernmental immunity;

21 3. By any person who:

- 22 a. impregnated a woman through conduct constituting
23 sexual assault under Section 112 of Title 21 of the
24 Oklahoma Statutes,

- b. committed an offense for which an affirmative finding of domestic abuse was made under Section 644 of Title 21 of the Oklahoma Statutes,
- c. provided an abortion-inducing drug to a pregnant woman for the purpose of performing, inducing, or attempting an abortion without the woman's consent or knowledge,
- d. has been convicted of an offense under Section 1173 of Title 21 of the Oklahoma Statutes, or
- e. acts in concert or participation with a person described by this subdivision;

4. Against a transportation network company (TNC) or a TNC

driver for using a transportation network company's digital network to provide a prearranged ride. As used in this paragraph, the terms "transportation network company (TNC)", "TNC driver", "digital network", and "prearranged ride" have the same meanings as provided by Section 1011 of Title 47 of the Oklahoma Statutes;

5. Against a courier application service (CAS) or a CAS driver for using a delivery network company's digital network to provide courier service. As used in this paragraph, the terms "courier application service (CAS)", "CAS driver", "digital network", and "courier service" have the same meanings as provided by Section 1071 of Title 47 of the Oklahoma Statutes:

6. Against an air carrier conducting domestic or flag operations under 14 C.F.R., Part 121 or a foreign air carrier

1 conducting scheduled operations under 14 C.F.R., Part 129;

2 7. Against a person to whom this act does not apply and against
3 whom a civil action under this act may not be brought under
4 subsection A of Section 2 of this act;

5 8. Against a health care provider, unless the qui tam relator
6 pleads and proves that the provider engaged in conduct constituting
7 a violation of Section 3 of this act while located outside this
8 state; or

9 9. Against a pharmaceutical manufacturer, pharmaceutical
10 distributor, or common carrier, unless the qui tam relator pleads
11 and proves that the defendant failed to adopt and implement a policy
12 to not distribute, mail, transport, deliver, provide, or possess
13 abortion-inducing drugs other than for one or more of the purposes
14 described by paragraph 7 of subsection A of Section 2 of this act.

15 E. Notwithstanding any other law, including rules of civil
16 procedure adopted under Title 12 of the Oklahoma Statutes, an action
17 brought under this section may not be litigated on behalf of a
18 claimant class or a defendant class, and a court may not certify a
19 class in the action.

20 F. In an action brought under this act, a qui tam relator or a
21 defendant against whom an action is brought under this section may
22 not, without the consent of the person to whom the information
23 belongs, publicly disclose or improperly obtain:

24 1. Any personally identifiable information of a pregnant woman

1 who sought or obtained an abortion-inducing drug from a defendant
2 against whom a qui tam action is brought under this section,
3 including any written, electronic, audio, or visual document or
4 media that identifies the pregnant woman;

5 2. Any information protected from public disclosure under the
6 Health Insurance Portability and Accountability Act of 1996, P.L.
7 No. 104-191, and regulations adopted under that Act; or

8 3. Any personal data of a pregnant woman who sought or obtained
9 an abortion-inducing drug from a defendant against whom a qui tam
10 action is brought under this section that is protected from public
11 disclosure under federal or state law.

12 G. Notwithstanding any other law, a court may not order in
13 response to the filing of a petition by a qui tam relator the taking
14 of a deposition of a woman who is the subject of a violation of
15 Section 3 of this act unless the woman consents to the deposition.

16 H. A person may bring an action under this section not later
17 than the sixth anniversary of the date the cause of action accrues.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-745.66 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 A. It is an affirmative defense to an action brought under
22 Section 5 of this act that the defendant:

23 1. Was unaware the defendant was engaged in the conduct
24 prohibited under Section 3 of this act; and

1 2. Took reasonable precautions to ensure the defendant would
2 not violate Section 3 of this act.

3 B. It is an affirmative defense to an action brought under
4 Section 5 of this act that:

5 1. The imposition of civil liability on the defendant will
6 violate the defendant's rights under federal law, including the
7 United States Constitution;

8 2. The defendant:

9 a. has standing to assert the rights of a third party
10 under the tests for third-party standing established
11 by the United States Supreme Court, and

12 b. demonstrates that the imposition of civil liability on
13 the defendant will violate the third party's rights
14 under federal law, including the United States
15 Constitution;

16 3. The imposition of civil liability on the defendant will
17 violate the defendant's rights under the Oklahoma Constitution; or

18 4. The imposition of civil liability on the defendant will
19 violate limits on extraterritorial jurisdiction imposed by the
20 United States Constitution or the Oklahoma Constitution.

21 C. The defendant has the burden of proving an affirmative
22 defense under this section by a preponderance of the evidence.

23 D. The following are not defenses to an action brought under
24 Section 5 of this act:

1 1. A defendant's ignorance or mistake of law, including a
2 defendant's mistaken belief that the requirements or provisions of
3 this act are unconstitutional or were unconstitutional;

4 2. A defendant's reliance on a state or federal court decision
5 that is not binding on the court in which the action has been
6 brought;

7 3. A defendant's reliance on a federal agency rule or action
8 that has been repealed, superseded, or declared invalid or
9 unconstitutional, even if the federal agency rule or action had not
10 been repealed, superseded, or declared invalid or unconstitutional
11 when the cause of action accrued;

12 4. The laws of another state or jurisdiction, including an
13 abortion shield law, unless the Oklahoma Constitution or federal law
14 compels the court to enforce that law;

15 5. Nonmutual issue preclusion or nonmutual claim preclusion;

16 6. Sovereign immunity, governmental immunity, or official
17 immunity, other than sovereign immunity, governmental immunity, or
18 official immunity applicable to:

19 a. a hospital owned, maintained, or operated by this
20 state that facilitates the availability of or makes
21 available abortion-inducing drugs solely for one or
22 more of the purposes described by paragraph 7 of
23 subsection A of Section 2 of this act,

- b. a political subdivision of this state, including a hospital district, that facilitates the availability of or makes available abortion-inducing drugs solely for one or more of the purposes described by paragraph 7 of subsection A of Section 2 of this act, or
- c. a health care provider employed by a hospital owned or operated by this state or a political subdivision of this state, including a hospital district, acting within the scope of the provider's employment who prescribes, distributes, administers, or otherwise makes available abortion-inducing drugs solely for one or more of the purposes described by paragraph 7 of subsection A of Section 2 of this act;

7. A claim that the enforcement of this act or the imposition

15 of civil liability against the defendant will violate the

16 constitutional or federally protected rights of third parties,

17 except as provided by subsection B of this section; or

8. Consent to the abortion by the claimant or the unborn

19 child's mother.

SECTION 7. NEW LAW A new section of law to be codified

21 in the Oklahoma Statutes as Section 1-745.67 of Title 63, unless

22 there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other law and except as provided by

²⁴ subsection B of this section, if a qui tam relator prevails in an

1 action brought under Section 5 of this act, the court shall award to
2 the relator:

3 1. Injunctive relief sufficient to prevent the defendant from
4 violating Section 3 of this act;

5 2. An amount not less than One Hundred Thousand Dollars
6 (\$100,000.00) for each violation of Section 3 of this act, to be
7 allocated in accordance with subsection B of this section; and
8

9 3. Costs and reasonable attorney fees.

10 B. In awarding the amount described by paragraph 2 of
11 subsection A of this section, the court shall ensure that:

12 1. The qui tam relator receives the entire amount awarded under
13 paragraph 2 of subsection A of this section for an action in which
the relator is:

14 a. a woman who was pregnant at the time the woman
15 obtained or received an abortion-inducing drug that
16 was manufactured, distributed, mailed, transported,
17 delivered, prescribed, provided, or possessed in
18 violation of Section 3 of this act, or

19 b. the father, sibling, or grandparent of the unborn
20 child with which the woman described by subparagraph a
21 of this paragraph was pregnant at the time the woman
22 obtained or received the abortion-inducing drug; and

23 2. For an action in which the qui tam relator is a person other
24 than a person described by paragraph 1 of this subsection:

- a. the relator receives Ten Thousand Dollars (\$10,000.00) of the total amount awarded under paragraph 2 of subsection A of this section, and
- b. the remainder of the amount awarded under paragraph 2 of subsection A of this section is held in trust by the relator for the benefit of a charitable organization designated by the relator, except that the relator may not designate a charitable organization under this paragraph from which the relator or any of the relator's family members receives a salary, stipend, or any type of remuneration or financial benefit.

C. A court may not award relief under paragraph 2 or 3 of subsection A of this section in response to a violation of Section 3 of this act if the defendant demonstrates that:

1. A court previously ordered the defendant to pay an amount under paragraph 2 of subsection A of this section in another action for that particular violation; and

2. The court order described by paragraph 1 of this subsection has not been vacated, reversed, or overturned.

D. A court may not award costs or attorney fees to a defendant against whom an action is brought under Section 5 of this act.

E. Subsection D of this section does not preclude a court from sanctioning a litigant or attorney for frivolous, malicious, or bad-

1 faith conduct.

2 SECTION 8. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1-745.68 of Title 63, unless
4 there is created a duplication in numbering, reads as follows:

5 A. This state, a political subdivision of this state, or an
6 officer or employee of this state or a political subdivision of this
7 state may not:

8 1. Act in concert or participation with a qui tam relator
9 bringing an action under Section 5 of this act;

10 2. Establish or attempt to establish any type of agency or
11 fiduciary relationship with a qui tam relator bringing an action
12 under Section 5 of this act;

13 3. Attempt to control or influence a person's decision to bring
14 an action under Section 5 of this act or that person's conduct of
15 the litigation; or

16 4. Intervene in an action brought under Section 5 of this act.

17 B. This section does not prohibit this state, a political
18 subdivision of this state, or an officer or employee of this state
19 or a political subdivision of this state from filing an amicus
20 curiae brief in an action brought under Section 5 of this act if
21 this state, the political subdivision, the officer, or the employee
22 does not act in concert or participation with the qui tam relator.

1 SECTION 9. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 1-745.69 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Notwithstanding any other law, the courts of this state have
5 personal jurisdiction over a defendant sued under Section 5 of this
6 act to the maximum extent permitted by the Fourteenth Amendment to
7 the United States Constitution, and the defendant may be served
8 outside this state.

9 B. Notwithstanding any other law, the law of this state applies
10 to an action brought under Section 5 of this act to the maximum
11 extent permitted by the Oklahoma Constitution and federal law,
12 including the United States Constitution.

13 C. Notwithstanding any other law, any contractual provision
14 that requires or purports to require application of the laws of a
15 different jurisdiction, or that requires or purports to require a
16 qui tam action under Section 5 of this act to be litigated in a
17 particular forum, is void based on this state's public policy and is
18 not enforceable in any court.

19 D. Notwithstanding any other law, a court may not apply the law
20 of another state or jurisdiction to any qui tam action brought under
21 Section 5 of this act unless the Oklahoma Constitution or federal
22 law compels the court to apply that law.

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-745.70 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. For purposes of this section, the term "clawback provision"
5 refers to any law of another state or jurisdiction that authorizes
6 the bringing of a civil action against a person for:

7 1. Bringing or engaging in an action authorized by this act,
8 including subsection F of this section;

9 2. Bringing or engaging in an action that alleges a violation
10 of Section 3 of this act;

11 3. Attempting, intending, or threatening to bring or engage in
12 an action described by paragraph 1 or 2 of this subsection; or

13 4. Providing legal representation or any type of assistance to
14 a person who brings or engages in an action described by paragraph 1
15 or 2 of this subsection.

16 B. Notwithstanding any other law and except as otherwise
17 provided by federal law or the Oklahoma Constitution, the laws of
18 this state apply to:

19 1. Conduct described by subsection A of this section;

20 2. An action brought against a person for engaging in conduct
21 described by subsection A of this section;

22 3. An action brought under a clawback provision against a
23 resident of this state; and

24 4. An action brought under subsection F of this section.

1 C. Notwithstanding any other law, in an action described by
2 paragraph 1 or 2 of subsection A of this section, the court shall,
3 on request, issue a temporary, preliminary, or permanent injunction
4 that restrains each defendant in the action, each person in privity
5 with the defendant, and each person with whom the defendant is in
6 active concert or participation from:

7 1. Bringing an action under any clawback provision against a
8 claimant or prosecutor, a person in privity with the claimant or
9 prosecutor, or a person providing legal representation or any type
10 of assistance to the claimant or prosecutor; and

11 2. Continuing to litigate an action under any clawback
12 provision that has been brought against a claimant or prosecutor, a
13 person in privity with the claimant or prosecutor, or a person
14 providing legal representation or any type of assistance to the
15 claimant or prosecutor.

16 D. Notwithstanding any other law, the doctrines of res judicata
17 and collateral estoppel preclude a defendant against whom a judgment
18 is entered in an action described by paragraph 1 or 2 of subsection
19 A of this section and each person in privity with the defendant from
20 litigating or relitigating any claim or issue under any clawback
21 provision against a claimant, prosecutor, or person in privity with
22 the claimant or prosecutor that was raised or could have been raised
23 as a claim, cross-claim, counterclaim, or affirmative defense under
24 the federal or this state's rules of civil procedure.

1 E. Notwithstanding any other law, a court of this state may not
2 enforce an out-of-state judgment obtained in an action brought under
3 a clawback provision unless federal law or the Oklahoma Constitution
4 requires the court to enforce the judgment.

5 F. Notwithstanding any other law, if an action is brought or
6 judgment is entered against a person under a clawback provision
7 based wholly or partly on the person's decision to engage in conduct
8 described by subsection A of this section, that person is entitled
9 to injunctive relief and damages from any person who brought the
10 action or obtained the judgment or who sought to enforce the
11 judgment. Notwithstanding any other law, the relief described by
12 this subsection must include:

13 1. Compensatory damages, including money damages in an amount
14 equal to the judgment damages and costs, expenses, and reasonable
15 attorney fees spent in defending the action;

16 2. Costs, expenses, and reasonable attorney fees incurred in
17 bringing an action under this subsection;

18 3. Additional amounts consisting of the greater of:

19 a. twice the sum of the damages, costs, expenses, and
20 fees described by paragraphs 1 and 2 of this
21 subsection, or

22 b. One Hundred Thousand Dollars (\$100,000.00); and

23 4. Injunctive relief that restrains each person who brought the
24 action under the clawback provision, each person in privity with the

1 person, and each person acting in concert or participation with the
2 person from:

3 a. bringing further actions under any clawback provision
4 against the person against whom the action was
5 brought, each person in privity with the person, or
6 any person providing legal representation or any type
7 of assistance to the person,

8 b. continuing to litigate any actions brought under a
9 clawback provision against the persons described by
10 subparagraph a of this paragraph, and

11 c. enforcing or attempting to enforce any judgment
12 obtained in any actions brought under a clawback
13 provision against the persons described by
14 subparagraph a of this paragraph.

15 G. It is not a defense to an action brought under subsection F
16 of this section that:

17 1. The claimant failed to seek recovery under subsection F of
18 this section in an action brought against the claimant under a
19 clawback provision; or

20 2. A court in a preceding action brought against the claimant
21 declined to recognize or enforce subsection F of this section or
22 held any provision of that subsection invalid, unconstitutional, or
23 preempted by federal law, notwithstanding the doctrines of issue or
24 claim preclusion.

1 SECTION 11. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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