

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2002

By: Dossett

6 AS INTRODUCED

7 An Act relating to substance-impacted perinatal
8 women; defining terms; authorizing certain
9 recommendation by health care provider; granting
10 certain immunity from prosecution to substance-
11 impacted perinatal women; authorizing certain action
12 by district attorney; granting certain civil immunity
13 to health care providers; providing certain
construction; amending 63 O.S. 2021, Section 1-546.5,
which relates to district attorney multidisciplinary
teams; limiting certain appropriate disposition;
modifying composition of multidisciplinary teams;
providing for codification; and providing an
effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-546.6 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Health care provider" means any person or other entity who
22 is licensed pursuant to the provisions of Title 59 or Title 63 of
23 the Oklahoma Statutes, or pursuant to the laws of another state, to

1 render health care services in the practice of a profession or in
2 the ordinary course of business;

3 2. "Pregnancy-based conduct" means the use of alcohol or an
4 unprescribed controlled dangerous substance by a substance-impacted
5 perinatal woman that is alleged to affect the woman's health or the
6 actual or perceived health, safety, or well-being of the embryo,
7 fetus, or newborn;

8 3. "Qualified program" means an addiction recovery or other
9 behavioral health program certified by the Department of Mental
10 Health and Substance Abuse Services or a community- or faith-based
11 program; and

12 4. "Substance-impacted perinatal woman" means a biological
13 woman who used a controlled dangerous substance while pregnant or
14 within twelve (12) months of the conclusion of a pregnancy.

15 B. If a health care provider identifies a substance-impacted
16 perinatal woman who has knowingly and repeatedly used alcohol or an
17 unprescribed controlled dangerous substance, the health care
18 provider may recommend enrollment in a qualified program.

19 C. A substance-impacted perinatal woman shall not be subject to
20 investigation, arrest, or prosecution solely based on her use of any
21 controlled dangerous substance pursuant to a valid prescription
22 issued to her by a health care provider and used in accordance with
23 that prescription.

1 D. If a substance-impacted perinatal woman is already enrolled
2 in or making a good-faith effort to enroll in and, due to lack of
3 available treatment capacity or another barrier outside of her
4 control, is on a waiting list or has completed a qualified program
5 while pregnant or within twelve (12) months of conclusion of the
6 pregnancy, she shall not be subject to investigation, arrest, or
7 prosecution solely based on her use of controlled dangerous
8 substances during pregnancy including, but not limited to, instances
9 of miscarriage, stillbirth, or her infant showing signs of Neonatal
10 Abstinence Syndrome or Fetal Alcohol Spectrum Disorder caused by
11 such use of alcohol or a prescribed controlled dangerous substance.

12 E. If a substance-impacted perinatal woman does not make a
13 good-faith effort to enroll in and attend or complete an addiction
14 recovery program, or other qualified program, or both, the district
15 attorney may pursue an appropriate disposition under Section 1-546.5
16 of Title 63 of the Oklahoma Statutes.

17 F. Any health care provider who fails to identify a substance-
18 impacted perinatal woman's use of a controlled dangerous substance
19 or alcohol when the health care provider did not know and could not
20 reasonably have known of such use, or complies with subsection B of
21 this section and paragraph 3 of subsection G of this section, shall
22 be presumed to be acting in good faith and shall have immunity from
23 any civil liability that might otherwise result by reason of such
24 act or omission.

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1 G. Nothing in this section shall be construed to limit or
2 preclude:

3 1. The investigation, filing, or prosecution of child abuse,
4 child neglect, or child endangerment charges unrelated to pregnancy-
5 based conduct;

6 2. The substance-impacted perinatal woman from losing parental
7 rights unrelated to pregnancy-based conduct; or

8 3. A health care provider's obligation to report a substance-
9 exposed newborn under Section 1-2-101 of Title 10A of the Oklahoma
10 Statutes.

11 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-546.5, is
12 amended to read as follows:

13 Section 1-546.5. A district attorney may convene a
14 multidisciplinary team to assist in making a determination of the
15 appropriate disposition of a case of a pregnant woman who is abusing
16 or is addicted to drugs or alcohol to the extent that the unborn
17 child is at risk of harm. The multidisciplinary team shall include
18 at least one person with training and experience in the treatment of
19 addiction. ~~As used in this section, an appropriate disposition may~~
20 ~~include but shall not be limited to filing a petition for~~
21 ~~involuntary commitment as provided by Section 5-410 et seq. of Title~~
22 ~~43A of the Oklahoma Statutes to a public facility or a private~~
23 ~~facility willing to accept the pregnant woman for treatment and at~~

1 least one person with training and experience in the treatment of
2 pregnant women.

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

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