

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2020

By: McIntosh

6 AS INTRODUCED

7 An Act relating to parental rights; amending 12 O.S.
8 2021, Section 2503, which relates to physician- and
9 psychotherapist-patient privilege; excluding minor
from certain privilege; amending 25 O.S. 2021,
10 Section 2002, which relates to the Parents' Bill of
11 Rights; modifying exception to certain right;
12 authorizing certain civil actions; directing award of
13 certain relief; conferring certain rights on parents
14 and legal guardians subject to certain condition;
15 amending 59 O.S. 2021, Sections 1910 and 1939, which
16 relate to counselors; modifying conditions for
17 disclosure of certain information; amending 63 O.S.
18 2021, Section 2602, which relates to medical
treatment of minors; granting certain rights and
protections to parent or legal guardian subject to
certain exception; modifying and removing certain
conditions for minor self-consent; providing certain
construction; modifying certain notice and disclosure
requirements; updating statutory language and
references; making language gender neutral; and
providing an effective date.

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

20 SECTION 1. AMENDATORY 12 O.S. 2021, Section 2503, is
21 amended to read as follows:

22 Section 2503. A. As used in this section:

23 1. A "patient" is a person who consults or is examined or
24 interviewed by a physician or psychotherapist;

1 2. A "physician" is a person authorized to practice medicine in
2 any state or nation, or reasonably believed by the patient to be so
3 authorized;

4 3. A "psychotherapist" is:

5 a. a person authorized to practice medicine in any state
6 or nation, or reasonably believed by the patient to be
7 so authorized, while engaged in the diagnosis or
8 treatment of a mental or emotional condition,
9 including alcohol or drug addiction, or
10 b. a person licensed or certified as a psychologist under
11 the laws of any state or nation, or reasonably
12 believed by the patient to be so licensed or
13 certified, while similarly engaged; and

14 4. A communication is "confidential" if not intended to be
15 disclosed to third persons, except persons present to further the
16 interest of the patient in the consultation, examination, or
17 interview, persons reasonably necessary for the transmission of the
18 communication, or persons who are participating in the diagnosis and
19 treatment under the direction of the physician or psychotherapist,
20 including members of the patient's family.

21 B. A patient has a privilege to refuse to disclose and to
22 prevent any other person from disclosing confidential communications
23 made for the purpose of diagnosis or treatment of the patient's
24 physical, mental, or emotional condition, including alcohol or drug

1 addiction, among the patient, the patient's physician or
2 psychotherapist, and persons who are participating in the diagnosis
3 or treatment under the direction of the physician or
4 psychotherapist, including members of the patient's family, except
5 that a minor child under eighteen (18) years of age has no privilege
6 to refuse to disclose or to prevent any other person from disclosing
7 such confidential communications to the minor child's parent or
8 legal guardian.

9 C. The privilege may be claimed by the patient, the patient's
10 guardian or conservator, or the personal representative of a
11 deceased patient. The person who was the physician or
12 psychotherapist at the time of the communication is presumed to have
13 authority to claim the privilege but only on behalf of the patient.

14 D. The following shall be exceptions to a claim of privilege:

15 1. There is no privilege under this section for communications
16 relevant to an issue in proceedings to hospitalize the patient for
17 mental illness, if the psychotherapist in the course of diagnosis or
18 treatment has determined that the patient is in need of
19 hospitalization;

20 2. Communications made in the course of a court-ordered
21 examination of the physical, mental, or emotional condition of a
22 patient, whether a party or a witness, are not privileged under this
23 section when they relate to the particular purpose for which the
24 examination is ordered unless the court orders otherwise;

3. The privilege under this Code as to a communication relevant to the physical, mental, or emotional condition of the patient in any proceeding in which the patient relies upon that condition as an element of the patient's claim or defense or, after the patient's death, in any proceeding in which any party relies upon the condition as an element of the party's claim or defense is qualified to the extent that an adverse party in the proceeding may obtain relevant information regarding the condition by statutory discovery;

4. When the patient is an inmate in the custody of the Department of Corrections or a private prison or facility under contract with the Department of Corrections, and the release of the information is necessary:

- a. to prevent or lessen a serious and imminent threat to the health or safety of any person, or
- b. for law enforcement authorities to identify or apprehend an individual where it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody; ~~or~~

5. A minor child under eighteen (18) years of age has no privilege to refuse to disclose or to prevent any other person from disclosing communications otherwise confidential under this section to the minor child's parent or legal guardian; or

1 6. The testimonial privilege created pursuant to this section
2 does not make communications confidential where state and federal
3 privacy law would otherwise permit disclosure.

4 SECTION 2. AMENDATORY 25 O.S. 2021, Section 2002, is
5 amended to read as follows:

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

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

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

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

16 4. The right to direct the moral or religious training of the
17 minor child;

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

20 6. The right to access and review all medical records of the
21 minor child ~~unless except as provided by subsection E of Section~~
22 ~~2602 of Title 63 of the Oklahoma Statutes or as otherwise prohibited~~
23 ~~provided by law or the parent is the subject of an investigation of~~

1 a crime committed against the minor child and a law enforcement
2 official requests that the information not be released;

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

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

10 9. The right to consent in writing before the state or any of
11 its political subdivisions makes a video or voice recording of the
12 minor child, unless the video or voice recording is made during or
13 as a part of a court proceeding, by law enforcement officers during
14 or as part of a law enforcement investigation, during or as part of
15 a forensic interview in a criminal or Department of Human Services
16 investigation, or to be used solely for any of the following:

17 a. safety demonstrations, including the maintenance of
18 order and discipline in the common areas of a school
19 or on student transportation vehicles,

20 b. a purpose related to a legitimate academic or
21 extracurricular activity,

22 c. a purpose related to regular classroom instruction,

23 d. security or surveillance of buildings or grounds, and

24 e. a photo identification card; and

1 10. The right to be notified promptly if an employee of this
2 state, any political subdivision of this state, any other
3 governmental entity, or any other institution suspects that a
4 criminal offense has been committed against the minor child by
5 someone other than a parent, unless the incident has first been
6 reported to law enforcement and notification of the parent would
7 impede a law enforcement or Department of Human Services
8 investigation. This paragraph does not create any new obligation
9 for school districts and charter schools to report misconduct
10 between students at school, such as fighting or aggressive play,
11 that is routinely addressed as a student disciplinary matter by the
12 school.

13 B. This section does not authorize or allow a parent to engage
14 in conduct that is unlawful or to abuse or neglect a child in
15 violation of the laws of this state. This section shall not be
16 construed to apply to a parental action or decision that would end
17 life. This section does not prohibit courts, law enforcement
18 officers, or employees of a government agency responsible for child
19 welfare from acting in their official capacity within the reasonable
20 and prudent scope of their authority. This section does not
21 prohibit a court from issuing an order that is otherwise permitted
22 by law.

23 C. Any attempt to encourage or coerce a minor child to withhold
24 information from the child's parent shall be grounds for discipline

1 of an employee of this state, any political subdivision of this
2 state, or any other governmental entity, except for law enforcement
3 personnel.

4 D. Unless those rights have been legally waived or legally
5 terminated, parents have inalienable rights that are more
6 comprehensive than those listed in this section. The Parents' Bill
7 of Rights does not prescribe all rights of parents. Unless
8 otherwise required by law, the rights of parents of minor children
9 shall not be limited or denied. The Parents' Bill of Rights shall
10 not be construed to apply to a parental action or decision that
11 would end life.

12 E. A parent may bring a civil action in a court of competent
13 jurisdiction against any person who violates the rights of the
14 parent as conferred by this section. The court shall award a
15 prevailing plaintiff all appropriate relief including, but not
16 limited to, injunctive relief, actual damages, punitive damages,
17 court costs, and reasonable attorney fees.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2006 of Title 25, unless there
20 is created a duplication in numbering, reads as follows:

21 Notwithstanding any other provision of law, a parent or legal
22 guardian of a minor child under eighteen (18) years of age has a
23 right to be present during any meeting or consultation between a
24 health professional and the parent or legal guardian's minor child

1 under eighteen (18) years of age and to be provided, within a
2 reasonable time and at a reasonable cost, copies of any records of
3 services provided by a health professional to the parent or legal
4 guardian's minor child. Provided, however, that a parent or legal
5 guardian shall not be entitled to be present during such a meeting
6 or consultation, or to access such records, when the health
7 professional has been made aware of an allegation of parental child
8 abuse, child neglect, or battery.

9 SECTION 4. AMENDATORY 59 O.S. 2021, Section 1910, is
10 amended to read as follows:

11 Section 1910. A. No person licensed pursuant to the provisions
12 of the Licensed Professional Counselors Act shall knowingly and
13 willfully disclose any information the licensee may have acquired
14 from persons consulting the licensee in his professional capacity as
15 a professional counselor or be compelled to disclose such
16 information except:

17 1. With the written consent of the client, or, except under the
18 circumstances described in paragraph 2 of this subsection, if the
19 client is less than eighteen (18) years of age, with the written
20 consent of the client's parent or legal guardian, or in the case of
21 death or disability of the client, the consent of his personal
22 representative or other person authorized to sue or the beneficiary
23 of any insurance policy on his life, health, or physical condition;

1 2. If the person is a child under the age of eighteen (18)
2 years and the information acquired by the licensed person indicated
3 that the child was the victim or subject of a crime, the licensed
4 person may be required to testify fully in relation thereto upon an
5 examination, trial or other proceeding in which the commission of
6 such a crime is a subject of inquiry;

7 3. If the client waives the privilege by bringing charges
8 against the licensed person;

9 4. When failure to disclose such information presents a danger
10 to the health of any person; or

11 5. If the licensed professional counselor is a party to a
12 civil, criminal or disciplinary action arising from such therapy, in
13 which case any waiver of the privilege accorded by this section
14 shall be limited to that action.

15 B. No information shall be treated as privileged and there
16 shall be no privileges created by the Licensed Professional
17 Counselors Act as to any information acquired by the person licensed
18 pursuant to the Licensed Professional Counselors Act when such
19 information pertains to criminal acts or violation of any law.

20 C. The Licensed Professional Counselors Act shall not be
21 construed to prohibit any licensed person from testifying in court
22 hearings concerning matters of adoption, child abuse, child neglect,
23 battery, or matters pertaining to the welfare of children or from

1 seeking collaboration or consultation with professional colleagues
2 or administrative superiors on behalf of this client.

3 SECTION 5. AMENDATORY 59 O.S. 2021, Section 1939, is
4 amended to read as follows:

5 Section 1939. A. No person licensed pursuant to the provisions
6 of the Licensed Behavioral Practitioner Act shall disclose any
7 information the licensee may have acquired from persons consulting
8 the licensee in the licensee's professional capacity as a behavioral
9 practitioner or be compelled to disclose such information except:

10 1. With the written consent of the client, or, except under the
11 circumstances described in paragraph 2 of this subsection, if the
12 client is less than eighteen (18) years of age, with the written
13 consent of the client's parent or legal guardian, or in the case of
14 death or disability of the client, the consent of the client's
15 personal representative or other person authorized to sue or the
16 beneficiary of any insurance policy on the client's life, health, or
17 physical condition;

18 2. If the client is a child under the age of eighteen (18)
19 years and the information acquired by the licensed person indicated
20 that the child was the victim or subject of a crime, the licensed
21 person may be required to testify fully in relation thereto upon an
22 examination, trial, or other proceeding in which the commission of
23 such a crime is a subject of the inquiry;

1 3. If the client waives the privilege by bringing charges
2 against the licensed person;
3 4. When failure to disclose such information presents a danger
4 to the health of any person; or
5 5. If the licensed behavioral practitioner is a party to a
6 civil, criminal, or disciplinary action arising from such therapy,
7 in which case any waiver of the privilege accorded by this section
8 shall be limited to that action.

9 B. No information shall be treated as privileged and there
10 shall be no privileges created by the Licensed Behavioral
11 Practitioner Act as to any information acquired by the person
12 licensed pursuant to the Licensed Behavioral Practitioner Act when
13 such information pertains to criminal acts or violation of any law.

14 C. The Licensed Behavioral Practitioner Act shall not be
15 construed to prohibit any licensed person from testifying in court
16 hearings concerning matters of adoption, child abuse, child neglect,
17 battery, or matters pertaining to the welfare of children or from
18 seeking collaboration or consultation with professional colleagues
19 or administrative superiors on behalf of this client.

20 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2602, is
21 amended to read as follows:

22 Section 2602. A. ~~Notwithstanding any other provision of law,~~
23 the Except as provided in this section:

1 1. Health professionals shall not provide services to a minor
2 without the consent of a parent or legal guardian; and
3 2. A parent or legal guardian shall have the right to be
4 present during any meeting or consultation with a health
5 professional.

6 B. The following minors may consent to have services provided
7 by health professionals in the following cases:

- 8 1. Any minor who is married, has a dependent child, or is
9 emancipated;
- 10 2. ~~Any minor who is separated from his parents or legal~~
11 ~~guardian for whatever reason and is not supported by his parents or~~
12 ~~guardian;~~

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

1 section shall not be construed to authorize any health professional
2 to provide any abortion-related services to a minor, including
3 counseling or referrals to another health professional for the
4 purpose of procuring an abortion;

5 4. 3. Any minor parent as to his or her child;

6 5. 4. Any spouse of a minor when the minor is unable to give
7 consent by reason of physical or mental incapacity;

8 6. 5. Any minor who by reason of physical or mental capacity
9 cannot give consent and has no ~~known~~ relatives or legal ~~guardian~~
10 guardian who is known or discoverable by the health professional
11 through reasonably diligent inquiry, if two physicians agree on the
12 health service to be given;

13 7. 6. Any minor in need of emergency services for conditions
14 which will ~~endanger his health or life~~ involve a substantial risk of
15 permanent damage to his or her physical health or death if delay
16 would result by obtaining consent from his or her spouse, parent, or
17 legal guardian; provided, however, that the prescribing of any
18 medicine or device or referral to another health professional for
19 the prevention or termination of pregnancy shall not be considered
20 such an emergency service; or

21 8. 7. Any minor who is the victim of sexual assault; provided,
22 however, that such self-consent only applies to a forensic medical
23 examination by a qualified licensed health care professional.

1 C. If any minor falsely represents facts that ~~he may~~ would
2 authorize him or her to give consent under subsection B of this
3 section and a health professional provides health services in
4 reasonable good faith based upon that misrepresentation, the minor
5 shall receive full services without the consent of the minor's
6 parent or legal guardian and the health professional shall incur no
7 liability except for negligence ~~or,~~ intentional harm. ~~Consent of~~
8 ~~the minor shall not be subject to later disaffirmance or revocation~~
9 ~~because of his minority, or acts inconsistent with the requirements~~
10 of this section.

11 B. D. The health professional shall ~~be required to~~ make a
12 reasonable attempt to inform the spouse, parent, or legal guardian
13 of the minor of any treatment needed or provided under paragraph ~~7~~ 6
14 of subsection A B of this section. In all other instances in which
15 a minor may consent to services under this section, the health
16 professional may, but shall not be required to, inform the spouse,
17 parent, or legal guardian of the minor of any treatment needed or
18 provided. The judgment of the health professional as to
19 notification shall be final, and his or her disclosure shall not
20 constitute libel, slander, the breach of the right of privacy, the
21 breach of the rule of privileged communication, or result in any
22 other breach that would incur liability.

23 E. 1. Except as provided by paragraph 2 of this subsection:

1 a. the parent or legal guardian of a minor shall have the
2 right to access and review all medical records of the
3 minor, and
4 b. a health professional shall not prevent or restrict
5 access to the minor's medical records by the parent or
6 legal guardian.

7 2. The provisions of paragraph 1 of this subsection shall not
8 apply to cases:

9 a. as described in paragraph 1, 2, 5, or 6 of subsection
10 B of this section, or
11 b. where the health professional has a reasonable belief
12 that the minor has been or may be subject to domestic
13 violence, abuse, or neglect by the parent or legal
14 guardian.

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

1 G. The health professional shall not incur criminal liability
2 for action under the provisions of ~~this act~~ Section 2601 et seq. of
3 this title except for negligence or intentional harm.

4 SECTION 7. This act shall become effective November 1, 2026.

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