

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1224

By: West (Kevin), Maynard,
Adams, Stark, Chapman,
Staires, Jenkins, Olsen,
and Woolley of the House

and

Rosino, McIntosh, Bullard,
Jett, Deevers, Sacchieri,
Burns, Prieto, Guthrie,
Standridge, Grellner, and
Frix of the Senate

[health care - protections to health care
institutions and health care *** codification -
effective date]

AUTHOR: Add the following House Coauthor: Shaw

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"An Act relating to health care; amending 63 O.S.
2021, Section 2602, which relates to minor self-
consent to health services; removing certain
prohibition on sharing of information; clarifying
provisions related to provider immunity and parental
notification; granting certain protections to parent
or legal guardian related to medical records;
providing exceptions; making language gender neutral;
updating statutory language and references; and
providing an effective date.

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

2 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2602, is
3 amended to read as follows:

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

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

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

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

24 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 cannot give consent and has no known relatives or legal guardian, if
5 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 negligence or intentional harm. Consent of the minor shall not
22 be subject to later disaffirmance or revocation because of his or
23 her minority.

1 ~~B. C.~~ 1. 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.

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

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

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

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

- 23 a. as described in paragraphs 1, 2, 5, and 6 of
24 subsection A of this section,

1 b. where such access and review is prohibited by law, or

2 c. where the parent or legal guardian is the subject of
3 an investigation of a crime committed against the
4 minor child and a law enforcement official requests
5 that the information not be released.

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

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

19 SECTION 2. This act shall become effective November 1, 2025."
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1 Passed the Senate the 6th day of May, 2025.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2025.

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9 Presiding Officer of the House
10 of Representatives
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10 [health care - protections to health care
11 institutions and health care payors - disclosure -
12 immunity from civil actions - exception - medical
13 practitioners - health care institutions - health
14 care payors - requirement - discrimination -
15 immunities - protections - disciplinary actions -
16 professional licensing board - state agency -
17 complaint - interference - rules - codification -
18 effective date]
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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-728g of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act, unless the context requires otherwise:

5 1. "Conscience" means the ethical, moral, or religious beliefs
6 or principles held by a medical practitioner, health care
7 institution, or health care payor. With respect to institutional or
8 corporate persons, as opposed to individual persons, the term is
9 determined by reference to that entity's or body's governing
10 documents, including but not limited to published ethical, moral, or
11 religious guidelines or directives, mission statements,
12 constitutions, articles of incorporation, bylaws, policies, or
13 regulations;

14 2. a. "Discrimination" means an adverse action taken
15 against, or a threat of adverse action communicated
16 to, a medical practitioner, health care institution,
17 or health care payor as a result of the medical
18 practitioner, health care institution, or health care
19 payor's refusal to participate in a health care
20 service on the basis of conscience including but not
21 limited to termination of employment, transfer from
22 current position, demotion from current position,
23 adverse administrative action, reassignment to a
24 different shift or job title, increased administrative

1 duties, denial of staff privileges, denial of board
2 certification, loss of career specialty, reduction of
3 wages, benefits, or privileges, refusal to award a
4 grant, contract, or other program, refusal to provide
5 residency training opportunities, denial, deprivation,
6 or disqualification of licensure, withholding or
7 disqualifying from financial aid and other assistance,
8 impediment of the creation or improvement of a health
9 care institution or health care payor, impediment of
10 the acquisition or merger of a health care institution
11 or health care payor, the threat of any of the
12 preceding actions, or any other penalty, disciplinary,
13 or retaliatory action, whether executed or threatened.

14 b. The term does not include the negotiation or purchase
15 of insurance by a nongovernment entity;

16 3. "Health care institution" means a public or private
17 hospital, outpatient center for primary care, medical center,
18 physician organization, professional association, outpatient center
19 for surgical services, private physician's office, pharmacy, long-
20 term care facility, medical school, nursing school, medical training
21 facility, or any other entity or location in which health care
22 services are performed. The term includes but is not limited to
23 organizations, corporations, partnerships, associations, agencies,
24 networks, sole proprietorships, or joint ventures;

1 4. "Health care payor" means an employer, health plan, health
2 maintenance organization, insurance company, management services
3 organization, or another entity that pays for or arranges for
4 payment for a health care service, in whole or in part;

5 5. "Health care service" means medical research or medical care
6 provided to a patient or client at any time during the patient's or
7 client's course of treatment, including but not limited to initial
8 examination, testing, diagnosis, referral, dispensing or
9 administration of a drug, medication, or device, psychological
10 therapy or counseling, research, prognosis, therapy, record-making
11 procedures, notes related to treatment, set up, or performance of a
12 surgery or procedure, or any other care or service performed or
13 provided by a medical practitioner;

14 6. "Medical practitioner" means a person who is or may be asked
15 to participate in a health care service. The term includes but is
16 not limited to physicians, physician assistants, nurses including
17 but not limited to Advanced Practice Registered Nurses, nurse aides,
18 allied health professionals, medical assistants, hospital employees,
19 employees of an outpatient center for primary care, outpatient
20 center for surgical services, or long-term care facility,
21 pharmacists, pharmacy technicians, pharmacy employees, medical
22 school faculty and students, nursing school faculty and students,
23 psychology and counseling faculty and students, medical researchers,
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laboratory technicians, counselors, social workers, or any other person who facilitates or participates in a health care service;

7. "Participate in a health care service" means to provide, perform, assist with, facilitate, refer for, counsel for, advise with regard to, admit for the purposes of providing, or take part in any way in providing a health care service; and

8. "Person" means one or more individuals, partnerships, associations, or corporations.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-728h of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. A health care institution or health care payor may not be required to participate in or pay for a health care service that violates the health care institution's or health care payor's conscience, including by permitting the use of its facilities.

2. A health care payor, other than an employer or other entity whose health plan is not subject to the jurisdiction of the Insurance Commissioner, shall list any health care service that it may refuse to pay for on the basis of conscience in the applicable policy.

B. Except as provided in subsection D of this section, refusal to participate in or pay for a health care service under this section may not give rise to liability of the health care institution or health care payor for damages allegedly arising from

1 the refusal or be the basis for any discrimination, discipline, or
2 other recriminatory action against the health care institution,
3 health care payor, or any personnel, agent, or governing board.

4 C. Nothing in this section may be construed to relieve a health
5 care institution of the requirement to provide emergency medical
6 treatment to all patients set forth in the federal Emergency Medical
7 Treatment and Labor Act, 42 U.S.C., Section 1395dd.

8 D. The immunity provisions of this section do not apply to a
9 health care institution or health care payor owned or operated by
10 this state or a political subdivision of the state.

11 E. Notwithstanding any other provision of this act to the
12 contrary, a religious medical practitioner, health care institution,
13 or health care payor that holds itself out to the public as
14 religious, states in its governing documents that it has a religious
15 purpose or mission, and has internal operating policies or
16 procedures that implement its religious beliefs, shall have the
17 right to make employment, staffing, contracting, and admitting
18 privilege decisions consistent with its religious beliefs.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-728i of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 A. A medical practitioner has the right not to participate in a
23 health care service that violates the medical practitioner's
24 conscience. A health care institution may not be held liable for

1 the exercise of conscience not to participate in a health care
2 service by a medical practitioner employed, contracted, or granted
3 admitting privileges by the health care institution.

4 B. A health care institution may require the exercise of
5 conscience as a basis for not participating in a health care service
6 to be made in writing and signed by the medical practitioner
7 objecting. A writing made under this subsection may refer only
8 generally to the grounds of conscience.

9 C. A medical practitioner's refusal to participate in a health
10 care service based on an exercise of conscience may not be a basis
11 for discrimination, discipline, or other recriminatory action
12 against the medical practitioner.

13 D. A medical practitioner may not be held liable for damages
14 allegedly arising from the exercise of conscience not to participate
15 in a health care service.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-728j of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 The exercise of conscience not to participate in a health care
20 service by a medical practitioner, health care institution, or
21 health care payor may not be grounds for loss of any privileges or
22 immunities or for the loss of any public benefits.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-728k of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A medical practitioner or health care institution may not be
5 discriminated against because the medical practitioner or health
6 care institution:

7 1. Provides, causes to be provided, or intends to provide or
8 cause to be provided information relating to a suspected violation
9 of this act to the medical practitioner or health care institution's
10 employer, the Attorney General, the United States Department of
11 Health and Human Services, or any state or federal agency charged
12 with protecting health care rights of conscience; or

13 2. Testifies, assists, participates, or intends to testify,
14 assist, or participate in a proceeding concerning a violation of
15 this act.

16 B. Except as provided in subsection C of this section, it is
17 unlawful to discriminate against a medical practitioner because the
18 medical practitioner discloses information that the medical
19 practitioner reasonably believes evidences:

20 1. A violation of any law, rule, or regulation;

21 2. A violation of any standard of care or ethical guidelines
22 for the provision of any health care service; or

23 3. Gross mismanagement, a gross waste of funds, an abuse of
24 authority, practices or methods of treatment that may put patient

1 health at risk, or a substantial and specific danger to public
2 health or safety.

3 C. Nothing in this section may be construed to exempt a person
4 from any applicable state or federal confidentiality and patient
5 privacy requirements including but not limited to the federal Health
6 Insurance Portability and Accountability Act of 1996, 42 U.S.C.,
7 Section 1320d et seq.

8 SECTION 8. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-7281 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. A professional licensing board or other state agency that
12 grants licensure or certification may not reprimand, sanction, or
13 revoke or threaten to revoke a license, certificate, or registration
14 of a medical practitioner who is licensed or certified by the board
15 or agency for engaging in speech or expressive activity protected
16 under the First Amendment to the United States Constitution, unless
17 the board or agency demonstrates by clear and convincing evidence
18 that the medical practitioner's speech was the direct cause of
19 physical harm to a person with whom the medical practitioner had a
20 practitioner-patient relationship within the two (2) years
21 immediately preceding the incident of physical harm.

22 B. 1. Within fourteen (14) calendar days of receiving a
23 complaint that may result in revocation of a medical practitioner's
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1 license, certificate, or registration, the board or agency shall
2 provide the medical practitioner with a copy of the complaint.

3 2. If the board or agency fails to provide the complaint within
4 fourteen (14) calendar days of receipt, the board or agency shall
5 pay the medical practitioner an administrative penalty of Five
6 Hundred Dollars (\$500.00) for each week of noncompliance.

7 SECTION 9. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-728m of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

10 A. It is unlawful to interfere or attempt to interfere with the
11 right not to participate in a health care service or the
12 whistleblower and free speech rights and protections authorized by
13 this act, whether by duress, coercion, or any other means.

14 B. A medical practitioner, health care institution, or health
15 care payor injured by unlawful interference is entitled to:

16 1. Injunctive relief, when appropriate, including but not
17 limited to reinstatement of a medical practitioner to the medical
18 practitioner's previous position, reinstatement of board
19 certification, and relicensure of a health care institution or
20 health care payor;

21 2. Monetary damages for injuries suffered; and

22 3. Reasonable costs and attorney fees.
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SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-728n of Title 63, unless there is created a duplication in numbering, reads as follows:

The Insurance Commissioner shall promulgate reasonable and necessary rules concerning the implementation of this act relating to those insurers under its jurisdiction.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-728o of Title 63, unless there is created a duplication in numbering, reads as follows:

This act is supplemental to and may not be construed as modifying or limiting the rights and remedies provided in the Freedom of Conscience Act, Section 1-728a et seq. of Title 63 of the Oklahoma Statutes.

SECTION 12. This act shall become effective November 1, 2025.

Passed the House of Representatives the 26th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the _____ day of _____, 2025.

Presiding Officer of the Senate

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