SENATE FLOOR VERSION
March 2, 2026

SENATE BILL NO. 1328 By: Rosino

An Act relating to health care; amending 25 O.S. 2021, Section 2002, which relates to the Parents' Bill of Rights; modifying exception to certain right; amending 63 O.S. 2021, Section 2602, which relates to medical treatment of minors; removing certain prohibition on parental notice; clarifying applicability of certain provisions; granting certain right to parent or legal guardian; providing exceptions; updating statutory language and references; making language gender neutral; and providing an effective date.

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

SECTION 1. AMENDATORY 25 O.S. 2021, Section 2002, is amended to read as follows:

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

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

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

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

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

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

6. The right to access and review all medical records of the minor child ~~unless~~ except as provided by subsection D of Section 2602 of Title 63 of the Oklahoma Statutes or as otherwise ~~prohibited~~ provided by law ~~or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official requests that the information not be released~~;

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

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

9. The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child, unless the video or voice recording is made during or

as a part of a court proceeding, by law enforcement officers during or as part of a law enforcement investigation, during or as part of a forensic interview in a criminal or Department of Human Services investigation, or to be used solely for any of the following:

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

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

c. a purpose related to regular classroom instruction,

d. security or surveillance of buildings or grounds, and

e. a photo identification card; and

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

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

C. Any attempt to encourage or coerce a minor child to withhold information from the child's parent shall be grounds for discipline of an employee of this state, any political subdivision of this state, or any other governmental entity, except for law enforcement personnel.

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

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

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

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

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

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

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

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

6. Any minor who by reason of physical or mental ~~capacity~~ incapacity cannot give consent and has no known relatives or legal guardian, if two physicians agree on the health service to be given;

7. Any minor in need of emergency services for conditions which will endanger his or her health or life if delay would result by obtaining consent from his or her spouse, parent, or legal guardian; provided, however, that the prescribing of any medicine or device for the prevention of pregnancy shall not be considered such an emergency service; or

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

B. If any minor falsely represents facts that ~~he may~~ would authorize him or her to give consent under subsection A of this section and a health professional provides health services in good faith based upon that misrepresentation, the minor shall receive full services without the consent of the minor's parent or legal guardian and the health professional shall incur no liability ~~except~~ for lack of informed consent unless the provider acts with negligence or causes intentional harm. Consent of the minor shall not be subject to later disaffirmance or revocation because of his or her minority.

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

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

a. the parent or legal guardian of a minor shall have the right to access and review all medical records of the minor, and

b. a health professional shall not prevent or restrict access to the minor's medical records by the parent or legal guardian.

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

a. as described in paragraph 1, 2, 5, or 6 of subsection A of this section,

b. where such access or review is prohibited by law or where such medical records are designated as privileged or confidential under applicable law,

c. where the health professional has a reasonable belief that the minor has been or may be subject to domestic violence, abuse, or neglect by the parent or legal guardian, or

d. where the health professional has a reasonable belief that release of the minor's medical records to the parent or legal guardian could endanger the safety of the minor.

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
March 2, 2026 - DO PASS