

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 801

By: Deevers

AS INTRODUCED

An Act relating to pharmaceutical companies; creating the Oklahoma Medicine Injury Justice Act; providing short title; stating legislative findings and declarations; defining terms; making pharmaceutical companies liable for certain damages; authorizing certain criminal prosecution; specifying applicability of certain immunities and sovereignty; providing for due process; specifying venue; providing certain construction; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. This Act shall be known and may be cited as the "Oklahoma Medicine Injury Justice Act".

B. The Legislature of the State of Oklahoma finds and declares the following:

1. State Sovereignty: The Tenth Amendment to the United States Constitution reserves to the states all powers not explicitly

1 delegated to the federal government, including the authority to  
2 regulate health and safety within state borders;

3 2. Protection of Citizens: It is the responsibility of the  
4 State of Oklahoma to protect its citizens from harm caused by  
5 pharmaceutical products, and the state asserts its sovereign  
6 authority to ensure accountability for those responsible;

7 3. Federal Overreach: Federal immunity statutes including, but  
8 not limited to, the National Childhood Vaccine Injury Act of 1986,  
9 the Public Readiness and Emergency Preparedness (PREP) Act of 2005,  
10 the Project Bioshield Act of 2004, and the Defense Production Act of  
11 1950, which may interfere with the rights of Oklahoma citizens to  
12 seek justice in state courts and deprive them of adequate remedies  
13 for harm, which in many cases is very serious or even deadly;

14 4. Justice and Accountability: No individual or corporation,  
15 including pharmaceutical companies, should be shielded from  
16 liability for harm caused by their actions or products;

17 5. Right to Remedy: Article II, Section 6 of the Oklahoma  
18 Constitution guarantees that "The courts of justice of the State  
19 shall be open to every person, and speedy and certain remedy  
20 afforded for every wrong and for every injury to person, property,  
21 or reputation; and right and justice shall be administered without  
22 sale, denial, delay, or prejudice." This act ensures that the  
23 constitutional rights of Oklahoma citizens are preserved in all  
24 claims related to pharmaceutical harm; and

1           6. Legislative Duty: This act is a necessary and proper  
2 exercise of Oklahoma's sovereign authority to preserve the health,  
3 safety, and welfare of its people.

4           SECTION 2.       NEW LAW       A new section of law to be codified  
5 in the Oklahoma Statutes as Section 9001 of Title 63, unless there  
6 is created a duplication in numbering, reads as follows:

7           As used in this act:

8           1. "Fraud" means a deliberate and intentional act to deceive  
9 another party by misrepresenting, concealing, or omitting a material  
10 fact to the detriment of the deceived party; and

11          2. "Gross negligence" means a conscious, voluntary act or  
12 omission in reckless disregard of the duty of care, resulting in a  
13 substantial and unjustifiable risk of harm to another, which a  
14 reasonable person would consider a gross deviation from acceptable  
15 standards of conduct.

16          SECTION 3.       NEW LAW       A new section of law to be codified  
17 in the Oklahoma Statutes as Section 9001.1 of Title 63, unless there  
18 is created a duplication in numbering, reads as follows:

19          A. 1. Any pharmaceutical company whose products are proven to  
20 directly cause harm to an Oklahoma citizen shall be directly liable  
21 in Oklahoma state courts for:

22           a.    compensatory damages including medical expenses, lost  
23                wages, and other economic losses,

24           b.    noneconomic damages including pain and suffering, and  
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1 c. punitive damages in cases of gross negligence or  
2 fraud.

3 2. Pharmaceutical companies may be criminally prosecuted for  
4 gross negligence, fraudulent concealment, reckless disregard for  
5 safety, or intentional harm.

6 B. 1. Immunity granted under federal statutes including, but  
7 not limited to, the National Childhood Vaccine Injury Act of 1986,  
8 the Public Readiness and Emergency Preparedness (PREP) Act of 2005,  
9 the Project Bioshield Act of 2004, and the Defense Production Act of  
10 1950 shall not apply to claims brought in Oklahoma state courts.

11 2. Oklahoma asserts its jurisdiction under Article II, Section  
12 7 of the Oklahoma Constitution and the Tenth Amendment to the  
13 Constitution of the United States to ensure justice for its  
14 citizens.

15 C. 1. Oklahoma citizens harmed by pharmaceutical products have  
16 the right to due process under Article II, Section 7 of the Oklahoma  
17 Constitution.

18 2. All claims shall be heard in Oklahoma state courts, with no  
19 requirement for arbitration or other limitations on access to  
20 justice.

21 SECTION 4. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 9001.2 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:  
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1 To the extent any laws conflict with this act, this act shall  
2 govern.

3 SECTION 5. This act shall become effective July 1, 2025.

4 SECTION 6. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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