

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2945

By: Olsen

AS INTRODUCED

An Act relating to abortion-inducing drugs; creating the Protecting Moms and Babies Act; defining terms; providing exclusions to whom a lawsuit can be brought against; prohibiting the manufacturing or distributing of abortion-inducing drugs; prohibiting mailing, transporting, delivering, prescribing, or providing an abortion-inducing drug; providing for certain exceptions to the prohibition; providing for only qui tam actions; providing qui tam enforcement of prohibitions relating to abortion-inducing drugs; establishing defenses; establishing what are not defenses; establishing a statute of limitation; providing remedies for a qui tam judgment; disallowing coordinated enforcement; providing for personal jurisdiction and applicability of state law; providing for jurisdiction of appeals; prohibiting application of other state's law; providing protections from certain counteractions; providing a severability clause; providing for codification; and providing an effective date.

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:

This act shall be known and may be cited as the "Protecting Moms and Babies Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-756.50 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 As used in this section:

5 1. "Abortion" means the act of using or prescribing an
6 instrument, a drug, a medicine, or any other substance, device, or
7 means with the intent to cause the death of an unborn child of a
8 woman known to be pregnant. The term does not include birth control
9 devices or oral contraceptives. An act is not an abortion if the
10 act is done with the intent to:

11 a. save the life or preserve the health of an unborn
12 child,

13 b. remove a dead, unborn child whose death was caused by
14 a miscarriage, or

15 c. remove an ectopic pregnancy; and

16 2. "Abortion-inducing drug" means a drug, a medicine, or any
17 other substance, including a regimen of two or more drugs,
18 medicines, or substances, prescribed, dispensed, or administered
19 with the intent of terminating a clinically diagnosable pregnancy of
20 a woman and with knowledge that the termination will, with
21 reasonable likelihood, cause the death of the woman's unborn child.
22 The term includes off-label use of drugs, medicines, or other
23 substances known to have abortion-inducing properties that are
24 prescribed, dispensed, or administered with the intent of causing an

1 abortion, including the Mifeprex regimen, misoprostol (Cytotec), and
2 methotrexate. The term does not include a drug, medicine, or other
3 substance that may be known to cause an abortion but is prescribed,
4 dispensed, or administered for other medical reasons.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-756.51 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 A. This act shall not apply and a civil action under this act
9 shall not be brought against:

10 1. The woman upon whom an abortion was performed or induced or
11 attempted to be performed or induced in violation of this act, or
12 against a pregnant woman who intends or seeks to abort her unborn
13 child in violation of this act;

14 2. Any common carrier that transports a pregnant woman to an
15 abortion provider, if the common carrier is unaware that the woman
16 intends to abort her unborn child; or

17 3. A person who manufactures, distributes, mails, transports,
18 delivers, prescribes, provides, or possesses abortion-inducing drugs
19 in this state solely for one or more of the following purposes:

- 20 a. treating a mother to preserve her life,
- 21 b. removing an ectopic pregnancy,
- 22 c. removing a dead, unborn child whose death was caused
23 by miscarriage, or
24

1 d. a purpose that does not include performing, inducing,
2 attempting, or assisting an abortion, other than an
3 abortion performed in response to preserving the life
4 of the mother.

5 B. This section shall not be construed to require the actual
6 performance, inducement, or attempted performance of an abortion in
7 order for a person to bring a civil action authorized by this act.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-756.52 of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

11 A. Except as provided by subsection B of this section or
12 paragraph 3 of subsection A of Section 3 of this act, a person shall
13 not:

14 1. Manufacture or distribute an abortion-inducing drug in this
15 state; or

16 2. Mail, transport, deliver, prescribe, furnish the means to
17 procure, or provide an abortion-inducing drug in any manner to or
18 from any person or location in this state.

19 B. Subsection A of this section does not prohibit:

20 1. Speech or conduct protected by the First Amendment to the
21 United States Constitution, as made applicable to the states through
22 the United States Supreme Court's interpretation of the Fourteenth
23 Amendment to the United States Constitution, or protected by Section
24 22 of Article 2 of the Oklahoma Constitution;

1 2. Conduct a pregnant woman takes in the course of aborting or
2 attempting to abort the woman's unborn child; or

3 3. The manufacture, distribution, mailing, transport, delivery,
4 prescribing, provision, or possession of an abortion-inducing drug
5 solely for one or more of the purposes pursuant to paragraph 3 of
6 subsection A of Section 3 of this act.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-756.53 of Title 63, unless
9 there is created a duplication in numbering, reads as follows:

10 A. This act may be enforced only through a qui tam action
11 brought pursuant to Section 6 of this act.

12 B. No other direct or indirect enforcement of this act may be
13 taken or threatened by this state, a political subdivision of this
14 state, a district or county attorney, or any officer or employee of
15 this state or a political subdivision of this state against any
16 person, by any means whatsoever, except as provided in Section 6 of
17 this act.

18 C. This section does not preclude or limit the enforcement of
19 any other law or regulation against conduct that is independently
20 prohibited by the other law or regulation and that would remain
21 prohibited by the other law or regulation in the absence of this
22 act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-756.54 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A person, other than this state, a political subdivision of this state, or an officer or employee of this state or a political subdivision of this state, has standing to bring and may bring a qui tam action against a person who:

1. Violates Section 4 of this act; or
2. Intends to violate Section 4 of this act.

B. An action brought pursuant to this section shall be brought in the name of the qui tam relator, who is an assignee of this state's claim for relief. Notwithstanding any other law, the transfer of this state's claim to the qui tam relator is absolute, with the state retaining no interest in the subject matter of the claim.

C. A qui tam relator shall not bring an action under this section if the action is preempted by 47 U.S.C. Section 230(c).

D. A qui tam action shall not be brought pursuant to this section:

1. Against a woman for using, obtaining, or seeking to obtain abortion-inducing drugs to abort or attempt to abort her unborn child; or

1 2. Against any common carrier that transports a pregnant woman
2 to an abortion provider, if the common carrier is unaware that the
3 woman intends to abort her unborn child.

4 E. Notwithstanding any other law, including rules of civil
5 procedure adopted pursuant to Section 2023 of Title 12 of the
6 Oklahoma Statutes, an action brought under this section may not be
7 litigated on behalf of a claimant class or a defendant class, and a
8 court may not certify a class in the action.

9 F. In an action brought under this act, a qui tam relator or a
10 defendant against whom an action is brought under this section may
11 not, without the consent of the person to whom the information
12 belongs, publicly disclose or improperly obtain:

13 1. Any personally identifiable information of a pregnant woman
14 who sought or obtained an abortion-inducing drug from a defendant
15 against whom a qui tam action is brought under this section,
16 including any written, electronic, audio, or visual document or
17 media that identifies the pregnant woman;

18 2. Any information protected from public disclosure under the
19 Health Insurance Portability and Accountability Act of 1996 (P. L.
20 No. 104-191) and regulations adopted under that act; or

21 3. Any personal data of a pregnant woman who sought or obtained
22 an abortion-inducing drug from a defendant against whom a qui tam
23 action is brought under this section that is protected from public
24 disclosure under federal or state law.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-756.55 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It is an affirmative defense to an action brought under Section 6 of this act that the defendant:

1. Was unaware the defendant was engaged in the conduct prohibited in Section 4 of this act; and

2. Took reasonable precautions to ensure the defendant would not violate Section 4 of this act.

B. It is an affirmative defense to an action brought pursuant to Section 6 of this act that:

1. The imposition of civil liability on the defendant will violate the defendant's rights under federal law, including the United States Constitution;

2. The defendant:

a. has standing to assert the rights of a third party under the tests for third-party standing established by the United States Supreme Court, and

b. demonstrates that the imposition of civil liability on the defendant will violate the third party's rights under federal law, including the United States Constitution;

3. The imposition of civil liability on the defendant will violate the defendant's rights under the Oklahoma Constitution; or

1 4. The imposition of civil liability on the defendant will
2 violate limits on extraterritorial jurisdiction imposed by the
3 United States Constitution or the Oklahoma Constitution.

4 C. The defendant has the burden of proving an affirmative
5 defense under this section by a preponderance of the evidence.

6 D. The following are not defenses to an action brought under
7 Section 6 of this act:

8 1. A defendant's ignorance or mistake of law, including a
9 defendant's mistaken belief that the requirements or provisions of
10 this act are unconstitutional or were unconstitutional;

11 2. A defendant's reliance on a state or federal court decision
12 that is not binding on the court in which the action has been
13 brought;

14 3. A defendant's reliance on a federal agency rule or action
15 that has been repealed, superseded, or declared invalid or
16 unconstitutional, even if the federal agency rule or action had not
17 been repealed, superseded, or declared invalid or unconstitutional
18 when the cause of action accrued;

19 4. The laws of another state or jurisdiction, including an
20 abortion shield law, unless the Oklahoma Constitution or federal law
21 compels the court to enforce that law;

22 5. Non-mutual issue preclusion or non-mutual claim preclusion;
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1 6. Sovereign immunity, governmental immunity, or official
2 immunity, other than sovereign immunity, governmental immunity, or
3 official immunity applicable to:

4 a. a hospital owned, maintained, or operated by this
5 state that facilitates the availability of or makes
6 available abortion-inducing drugs solely for one or
7 more of the purposes described by paragraph 3 of
8 subsection A of Section 3 of this act,

9 b. a political subdivision of this state, including a
10 hospital district, that facilitates the availability
11 of or makes available abortion-inducing drugs solely
12 for one or more of the purposes described by paragraph
13 3 of subsection A of Section 3 of this act, or

14 c. a physician or health care professional employed by a
15 hospital owned or operated by this state or a
16 political subdivision of this state, including a
17 hospital district, acting within the scope of the
18 physician's or professional's employment who
19 prescribes, distributes, administers, or otherwise
20 makes available abortion-inducing drugs solely for one
21 or more of the purposes described by paragraph 3 of
22 subsection A of Section 3 of this act;

23 7. A claim that the enforcement of this act or the imposition
24 of civil liability against the defendant will violate the

1 constitutional or federally protected rights of third parties,
2 except as provided by subsection B of this section; or

3 8. Consent to the abortion by the claimant or the unborn
4 child's mother.

5 SECTION 8. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-756.56 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 A person may bring an action under Section 6 of this act not
9 later than the sixth anniversary of the date the cause of action
10 accrues.

11 SECTION 9. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1-756.57 of Title 63, unless
13 there is created a duplication in numbering, reads as follows:

14 A. Notwithstanding any other law and except as provided by
15 subsection B of this section, if a qui tam relator prevails in an
16 action brought under Section 6 of this act, the court shall award to
17 the relator:

18 1. Injunctive relief sufficient to prevent the defendant from
19 violating Section 4 of this act;

20 2. An amount of not less than One Hundred Thousand Dollars
21 (\$100,000.00) for each violation of Section 4 of this act, to be
22 allocated in accordance with subsection B of this section; and

23 3. Costs and reasonable attorney fees.
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1 B. In awarding the amount described by paragraph 2 of
2 subsection A of this section, the court shall ensure that:

3 1. The qui tam relator receives the entire amount awarded
4 pursuant to paragraph 2 of subsection A of this section for an
5 action in which the relator is:

6 a. a woman who was pregnant at the time the woman
7 obtained or received an abortion-inducing drug that
8 was manufactured, distributed, mailed, transported,
9 delivered, prescribed, provided, or possessed in
10 violation of Section 4 of this act, or

11 b. the father, sibling, or grandparent of the unborn
12 child with which the woman described by subparagraph a
13 of this paragraph was pregnant at the time the woman
14 obtained or received the abortion-inducing drug; and

15 2. For an action in which the qui tam relator is a person other
16 than a person described by subparagraph a or b of paragraph 1 of
17 this section:

18 a. the relator receives Ten Thousand Dollars (\$10,000.00)
19 of the total amount awarded pursuant to paragraph 2 of
20 subsection A of this section, and

21 b. the remainder of the amount awarded pursuant to
22 paragraph 2 of subsection A of this section is held in
23 trust by the relator for the benefit of a charitable
24 organization designated by the relator, except that

1 the relator may not designate a charitable
2 organization under this paragraph from which the
3 relator or any of the relator's family members
4 receives a salary, stipend, or any type of
5 remuneration or financial benefit.

6 C. A court may not award relief pursuant to paragraph 2 or 3 of
7 subsection A of this section in response to a violation of Section 4
8 of this act if the defendant demonstrates that:

9 1. A court previously ordered the defendant to pay an amount
10 pursuant to paragraph 2 of subsection A of this section in another
11 action for that particular violation; and

12 2. The court order described by paragraph 1 of subsection C of
13 this section has not been vacated, reversed, or overturned.

14 D. A court may not award costs or attorney fees pursuant to the
15 Oklahoma Rules of Civil Procedure to a defendant against whom an
16 action is brought pursuant to Section 6 of this act.

17 E. Subsection D of this section does not preclude a court from:

18 1. Awarding sanctions pursuant to Section 2011.1 of Title 12 of
19 the Oklahoma Statutes, Civil Procedure, of the Oklahoma Statutes; or

20 2. Sanctioning a litigant or attorney for frivolous, malicious,
21 or bad-faith conduct.

22 SECTION 10. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-756.58 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

1 A. This state, a political subdivision of this state, or an
2 officer or employee of this state or a political subdivision of this
3 state shall not:

4 1. Act in concert or participation with a qui tam relator
5 bringing an action pursuant to Section 6 of this act;

6 2. Establish or attempt to establish any type of agency or
7 fiduciary relationship with a qui tam relator bringing an action
8 pursuant to Section 6 of this act;

9 3. Attempt to control or influence a person's decision to bring
10 an action pursuant to Section 6 of this act or that person's conduct
11 of the litigation; or

12 4. Intervene in an action brought pursuant to Section 6 of this
13 act.

14 B. This section does not prohibit this state, a political
15 subdivision of this state, or an officer or employee of this state
16 or a political subdivision of this state from filing an amicus
17 curiae brief in an action brought pursuant to Section 6 of this act
18 if this state, the political subdivision, the officer, or the
19 employee does not act in concert or participation with the qui tam
20 relator.

21 SECTION 11. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-756.59 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

1 A. Notwithstanding any other law, including Section 718.5 of
2 Title 12 of the Oklahoma Statutes, Civil Procedure, the courts of
3 this state have personal jurisdiction over a defendant sued pursuant
4 to Section 6 of this act to the maximum extent permitted by the
5 Fourteenth Amendment to the United States Constitution, and the
6 defendant may be served outside this state.

7 B. Notwithstanding any other law, the law of this state applies
8 to an action brought pursuant to Section 6 of this act to the
9 maximum extent permitted by the Oklahoma Constitution and federal
10 law, including the United States Constitution.

11 C. Notwithstanding any other law, any contractual provision
12 that requires or purports to require application of the laws of a
13 different jurisdiction, or that requires or purports to require a
14 qui tam action pursuant to Section 6 of this act to be litigated in
15 a particular forum, is void based on this state's public policy and
16 is not enforceable in any court.

17 D. Notwithstanding any other law, including the Oklahoma
18 Citizens Participation Act in Title 12 of the Oklahoma Statutes,
19 Civil Procedure, does not apply to an action brought pursuant to
20 Section 6 of this act.

21 SECTION 12. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-756.60 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:
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1 The Oklahoma Court of Civil Appeals has exclusive intermediate
2 appellate jurisdiction over any appeal or original proceeding
3 arising out of an action brought pursuant to Section 6 of this act
4 in the courts of this state.

5 SECTION 13. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-756.61 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 Notwithstanding any other law, a court may not apply the law of
9 another state or jurisdiction to any qui tam action brought pursuant
10 to Section 6 of this act unless the Oklahoma Constitution or federal
11 law compels the court to apply that law.

12 SECTION 14. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-756.62 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 A. For purposes of this section, the term "clawback provision"
16 refers to any law of another state or jurisdiction that authorizes
17 the bringing of a civil action against a person for:

18 1. Bringing or engaging in an action authorized by this act,
19 including subsection F of this section;

20 2. Bringing or engaging in an action that alleges a violation
21 of Section 4 of this act;

22 3. Attempting, intending, or threatening to bring or engage in
23 an action described by paragraph 1 or 2 of subsection A of this
24 section; or

1 4. Providing legal representation or any type of assistance to
2 a person who brings or engages in an action described by paragraph 1
3 or 2 of subsection A of this section.

4 B. Notwithstanding any other law and except as otherwise
5 provided by federal law or the Oklahoma Constitution, the laws of
6 this state apply to:

7 1. Conduct described by subsection A of this section;

8 2. An action brought against a person for engaging in conduct
9 described by subsection A of this section;

10 3. An action brought under a clawback provision against a
11 resident of this state; and

12 4. An action brought under subsection F of this section.

13 C. Notwithstanding any other law, in an action described by
14 paragraph 1 or 2 of subsection A of this section, the court shall,
15 on request, issue a temporary, preliminary, or permanent injunction
16 that restrains each defendant in the action, each person in privity
17 with the defendant, and each person with whom the defendant is in
18 active concert or participation from:

19 1. Bringing an action under any clawback provision against a
20 claimant or prosecutor, a person in privity with the claimant or
21 prosecutor, or a person providing legal representation or any type
22 of assistance to the claimant or prosecutor; and

23 2. Continuing to litigate an action under any clawback
24 provision that has been brought against a claimant or prosecutor, a

1 person in privity with the claimant or prosecutor, or a person
2 providing legal representation or any type of assistance to the
3 claimant or prosecutor.

4 D. Notwithstanding any other law, the doctrines of res judicata
5 and collateral estoppel preclude a defendant against whom a judgment
6 is entered in an action described by paragraph 1 or 2 of subsection
7 A of this section and each person in privity with the defendant from
8 litigating or relitigating any claim or issue under any clawback
9 provision against a claimant, prosecutor, or person in privity with
10 the claimant or prosecutor that was raised or could have been raised
11 as a claim, cross-claim, counterclaim, or affirmative defense under
12 the federal or this state's rules of civil procedure.

13 E. On motion and just terms, a state court may relieve a person
14 from a void out-of-state judgment, order, or proceeding under a
15 clawback provision or any part of an abortion shield law.

16 F. Notwithstanding any other law, if an action is brought or
17 judgment is entered against a person under a clawback provision
18 based wholly or partly on the person's decision to engage in conduct
19 described by subsection A of this section, that person is entitled
20 to injunctive relief and damages from any person who brought the
21 action or obtained the judgment or who sought to enforce the
22 judgment. Notwithstanding any other law, the relief described by
23 this subsection shall include:
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1 1. Compensatory damages, including money damages in an amount
2 equal to the judgment damages and costs, expenses, and reasonable
3 attorney fees spent in defending the action;

4 2. Costs, expenses, and reasonable attorney fees incurred in
5 bringing an action under this subsection;

6 3. Additional amounts consisting of the greater of:

7 a. twice the sum of the damages, costs, expenses, and
8 fees described by paragraph 1 and 2 of this
9 subsection, or

10 b. One Hundred Thousand Dollars (\$100,000.00); and

11 4. Injunctive relief that restrains each person who brought the
12 action under the clawback provision, each person in privity with the
13 person, and each person acting in concert or participation with the
14 person from:

15 a. bringing further actions under any clawback provision
16 against the person against whom the action was
17 brought, each person in privity with the person, or
18 any person providing legal representation or any type
19 of assistance to the person,

20 b. continuing to litigate any actions brought under a
21 clawback provision against the persons described by
22 subparagraph a of this paragraph, and

23 c. enforcing or attempting to enforce any judgment
24 obtained in any actions brought under a clawback

1 provision against the persons described by
2 subparagraph a of this paragraph.

3 G. It is not a defense to an action brought under subsection F
4 of this section that:

5 1. The claimant failed to seek recovery under subsection F of
6 this section in an action brought against the claimant under a
7 clawback provision; or

8 2. A court in a preceding action brought against the claimant
9 declined to recognize or enforce subsection F of this section or
10 held any provision of subsection F of this section invalid,
11 unconstitutional, or preempted by federal law, notwithstanding the
12 doctrines of issue or claim preclusion.

13 H. Notwithstanding any other law, including the Oklahoma
14 Citizens Participation Act in Title 12 of the Oklahoma Statutes,
15 Civil Procedure, does not apply to an action brought under
16 subsection F of this section.

17 I. The Oklahoma Court of Civil Appeals has exclusive
18 intermediate appellate jurisdiction over any appeal or original
19 proceeding arising out of a civil action brought under subsection F
20 of this section in the courts of this state.

21 SECTION 15. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-756.63 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:
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1 It is the intent of the Legislature that every provision,
2 section, subsection, sentence, clause, phrase, or word in this act,
3 and every application of the provisions in this act to every person,
4 group of persons, or circumstances, is severable from each other.
5 If any application of any provision in this act to any person, group
6 of persons, or circumstances is found by a court to be invalid for
7 any reason, the remaining applications of that provision to all
8 other persons and circumstances shall be severed and may not be
9 affected.

10 SECTION 16. This act shall become effective November 1, 2026.

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