

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3119

By: Humphrey

6 AS INTRODUCED

7 An Act relating to limitation of action; extending
8 limitation of action period for good faith belief
9 that a federal procedural bar was in place when a
10 cause of action for health care liability claims
11 arose; defining good faith belief; defining federal
12 procedural bar; limiting extended period for actions
13 arising on or after February 1, 2020; clarifying
14 extended period does not revive any barred claim;
15 requiring broad construction; providing for
16 codification; and declaring an emergency.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 30 of Title 76, unless there is
17 created a duplication in numbering, reads as follows:

18 A. Notwithstanding any other provision of law, the good faith
19 belief that a federal procedural bar was in place when a cause of
20 action for health care liability claims including, but not limited
21 to, claims based on negligence, medical malpractice, lack of
22 informed consent, or medical battery, arose shall extend the
23 limitation of action of said period until one (1) year after the
24 good faith belief no longer existed.

1 B. A good faith belief exists when a claimant or attorney could
2 reasonably conclude, based on existing federal declarations,
3 amendments, advisory opinions, or judicial interpretations, that the
4 federal liability immunity provisions applied to the alleged
5 conduct.

6 C. For the purposes of this section, federal procedural bar
7 includes federal liability immunity provisions provided in the
8 Public Readiness and Emergency Preparedness (PREP) Act, 42 U.S.C.,
9 Section 247d-6d.

10 D. This section shall apply to all actions accruing on or after
11 February 1, 2020.

12 E. This section shall not be interpreted to revive any claim
13 barred by limitation prior to the effective date of this act. This
14 section shall be interpreted to clarify that the limitation on said
15 actions did not run during periods in which filing was legally
16 impossible, or reasonably perceived as barred, due to a good faith
17 belief of a federal procedural bar.

18 F. This section shall be construed broadly to ensure Oklahoma
19 courts retain jurisdiction over claims that, but for temporary legal
20 impediment or reasonable misperception of federal preemption, would
21 have been timely filed.

22 SECTION 2. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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