

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1798

By: Jett

6 AS INTRODUCED

7 An Act relating to freedom of conscience; creating
8 the Medical Ethics Defense Act; providing short
9 title; defining terms; granting certain rights to
10 certain medical practitioners, health care
11 institutions, or health care payers; limiting
12 exercise of certain rights; granting certain
13 immunities; prohibiting certain discrimination;
14 requiring opt-in for abortion; providing certain
construction; prohibiting and requiring certain
actions by licensing board under certain conditions;
authorizing and prohibiting certain civil actions;
prohibiting certain defense; providing for recovery
of damages and other relief; providing for
codification; and providing an effective date.

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

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

20 This act may be known and cited as the "Medical Ethics Defense
21 Act".

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

1 1. "Conscience" means the ethical, moral, or religious beliefs
2 or principles held by any medical practitioner, health care
3 institution, or health care payer. Conscience with respect to
4 institutional entities or corporate bodies, as opposed to individual
5 persons, is determined by reference to that entity's or body's
6 governing documents including, but not limited to, any published
7 ethical, moral, or religious guidelines or directives; mission
8 statements; constitutions; articles of incorporation; bylaws;
9 policies; or regulations;

10 2. "Disclosure" means a formal or informal communication or
11 transmission, but does not include a communication or transmission
12 concerning policy decisions that lawfully exercise discretionary
13 authority unless the medical practitioner providing the disclosure or
14 transmission reasonably believes that the disclosure or
15 transmission evinces:

- 16 a. any violation of any law, rule, or regulation,
- 17 b. any violation of any ethical guidelines for the
18 provision of any medical procedure or service, or
- 19 c. gross mismanagement, a gross waste of funds, an abuse
20 of authority, practices or methods of treatment that
21 may put patient health at risk, or a substantial and
22 specific danger to public health or safety;

23 3. "Discrimination" means any adverse action taken against, or
24 any threat of adverse action communicated to, any medical

1 practitioner, health care institution, or health care payer as a
2 result of his, her, or its decision to decline to participate in a
3 medical procedure or service on the basis of conscience.

4 Discrimination includes, but is not limited to:

- 5 a. termination of employment,
- 6 b. transfer from current position,
- 7 c. demotion from current position,
- 8 d. adverse administrative action,
- 9 e. reassignment to a different shift or job title,
- 10 f. increased administrative duties,
- 11 g. refusal of staff privileges,
- 12 h. refusal of board certification,
- 13 i. loss of career specialty,
- 14 j. reduction of wages, benefits, or privileges,
- 15 k. refusal to award a grant, contract, or other program,
- 16 l. refusal to provide residency training opportunities,
- 17 m. denial, deprivation, or disqualification of licensure,
- 18 n. withholding or disqualifying from financial aid and
19 other assistance,
- 20 o. impediments to creating any health care institution or
21 payer or expanding or improving such health care
22 institution or payer,
- 23 p. impediments to acquiring, associating with, or merging
24 with any other health care institution or payer,

- q. the threat thereof with regard to any of the preceding, or
- r. any other penalty, disciplinary, or retaliatory action, whether executed or threatened.

However, discrimination excludes the negotiation or purchase of insurance by a nongovernment entity;

4. "Medical procedure or service" means medical care provided to any patient at any time over the entire course of treatment, or medical research. The term includes, but is not limited to, testing; diagnosis; referral; dispensing or administering any drug, medication, or device; psychological therapy or counseling; research; prognosis; therapy; record-making procedures; notes related to treatment; set up or performance of a surgery or procedure; or any other care or service performed or provided by any medical practitioner including, but not limited to, physicians, nurses, allied health professionals, paraprofessionals, contractors, or employees of health care institutions;

5. "Health care institution" means any organization, corporation, partnership, association, agency, network, sole proprietorship, joint venture, or other entity that provides medical procedures or services. The term includes, but is not limited to, any public or private hospital, clinic, medical center, physician organization, professional association, ambulatory surgical center, private physician's office, pharmacy, nursing home, medical school,

1 nursing school, medical training facility, or any other entity or
2 location in which medical procedures or services are performed;

3 6. "Health care payer" means any employer, health plan, health
4 maintenance organization, insurance company, management services
5 organization, or any other entity that pays for, or arranges for the
6 payment of, any medical procedure or service provided to any
7 patient, whether that payment is made in whole or in part;

8 7. "Medical practitioner" means any person or individual who
9 may be or is asked to participate in any way in any medical
10 procedure or service. The term includes, but is not limited to,
11 doctors, nurse practitioners, physician assistants, nurses, nurse
12 aides, allied health professionals, medical assistants, hospital
13 employees, clinic employees, nursing home employees, pharmacists,
14 pharmacy technicians and employees, medical school faculty and
15 students, nursing school faculty and students, psychology and
16 counseling faculty and students, medical researchers, laboratory
17 technicians, psychologists, psychiatrists, counselors, mental health
18 professionals, social workers, or any other person who facilitates
19 or participates in the provision of a medical procedure or service;

20 8. "Participate" means to provide, perform, assist with,
21 facilitate, refer for, counsel for, advise with regard to, admit for
22 the purposes of providing, or take part in any way in providing any
23 medical procedure or service, or any form of such service; and

1 9. "Pay" or "payment" means to pay for, contract for, arrange
2 for the payment of, whether in whole or in part, reimburse, or
3 remunerate.

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

7 A. Freedom of Conscience. A medical practitioner, health care
8 institution, or health care payer has the right not to participate
9 in or pay for any medical procedure or service which violates his,
10 her, or its conscience.

11 B. Limitations. The exercise of the right of conscience is
12 limited to conscience-based objections to a particular medical
13 procedure or service. This section shall not be construed to waive
14 or modify any duty a health care practitioner, health care
15 institution, or health care payer may have to provide other medical
16 procedures or services that do not violate the practitioner's,
17 institution's, or payer's conscience.

18 C. Immunity from Liability. No medical practitioner, health
19 care institution, or health care payer shall be civilly, criminally,
20 or administratively liable for exercising his, her, or its right of
21 conscience not to participate in or pay for a medical procedure or
22 service. No health care institution shall be civilly, criminally,
23 or administratively liable for the exercise of conscience rights not
24 to participate in a medical procedure or service by a medical

1 practitioner employed, contracted, or granted admitting privileges
2 by the health care institution.

3 D. Discrimination. No medical practitioner, health care
4 institution, or health care payer shall be discriminated against in
5 any manner as a result of his, her, or its decision to decline to
6 participate in or pay for a medical procedure or service on the
7 basis of conscience.

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

16 F. Opt-In Required. A health care practitioner may not be
17 scheduled for, assigned, or requested to directly or indirectly
18 perform, facilitate, refer for, or participate in an abortion unless
19 the practitioner first affirmatively consents in writing to perform,
20 facilitate, refer for, or participate in the abortion. This
21 subsection does not establish a right to participate in an abortion
22 otherwise prohibited by law.

23 G. Emergency Medical Treatments. Nothing in this act shall be
24 construed to override the requirement to provide emergency medical

1 treatment to all patients set forth in 42 U.S.C., Section 1395dd.
2 Medical emergencies shall be subject to the definitions and
3 requirements of Section 1-731.4 of Title 63 of the Oklahoma
4 Statutes.

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

8 A. No medical practitioner shall be discriminated against in
9 any manner because the medical practitioner:

10 1. Provided, caused to be provided, or is about to provide or
11 cause to be provided to his or her employer, the Attorney General,
12 any state agency charged with protecting health care rights of
13 conscience, the U.S. Department of Health and Human Services, the
14 Office for Civil Rights, or any other federal agency charged with
15 protecting health care rights of conscience information relating to
16 any violation of, or any act or omission the medical practitioner
17 reasonably believes to be a violation of, any provision of this act;

18 2. Testified or is about to testify in a proceeding concerning
19 such violation; or

20 3. Assisted or participated, or is about to assist or
21 participate, in such a proceeding.

22 B. Unless the disclosure is specifically prohibited by law, no
23 medical practitioner shall be discriminated against in any manner

1 because the medical practitioner disclosed any information that the
2 medical practitioner reasonably believes evinces:

- 3 1. Any violation of any law, rule, or regulation;
- 4 2. Any violation of any ethical guidelines for the provision of
any medical procedure or service; or
- 5 3. Gross mismanagement, a gross waste of funds, an abuse of
authority, practices or methods of treatment that may put patient
6 health at risk, or a substantial and specific danger to public
7 health or safety.

8 C. A licensing board may not reprimand, sanction, or revoke or
9 threaten to revoke a license, certificate, or registration of a
10 health care practitioner for engaging in speech or expressive
11 activity protected under the First Amendment to the United States
12 Constitution, unless the licensing board demonstrates beyond a
13 reasonable doubt that the practitioner's speech was the direct cause
14 of physical harm to a person with whom the health care practitioner
15 had a practitioner-patient relationship within the three (3) years
16 immediately preceding the incident of physical harm.

17 1. The licensing board shall provide a medical practitioner
18 with any complaints it has received which may result in the
19 revocation of the medical practitioner's license, certification, or
20 registration, within seven (7) days after receipt of the complaint.

21 2. The licensing board shall pay the medical practitioner an
22 administrative penalty of Five Hundred Dollars (\$500.00) for each

1 day the complaint is not provided to the medical practitioner after
2 the specified seven (7) days.

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

6 A. Civil Action for Violation of Right of Conscience. A civil
7 action for damages or injunctive relief, or both, may be brought by
8 any medical practitioner, health care institution, or health care
9 payer for any violation of any provision of this act. Any
10 additional burden or expense on another medical practitioner, health
11 care institution, or health care payer arising from the exercise of
12 the right of conscience shall not be a defense to any violation of
13 this act. However, no civil action may be brought against an
14 individual who declines to use or purchase medical procedures or
15 services from a specific medical practitioner, health care
16 institution, or health care payer for exercising the rights granted
17 in subsection A of Section 3 of this act.

18 B. Other Remedies. Any party aggrieved by any violation of
19 this act may commence a civil action and shall be entitled, upon the
20 finding of a violation, to recover treble damages sustained, along
21 with the costs of the action and reasonable attorney fees. Such
22 damages shall be cumulative and in no way limited by any other
23 remedies which may be available under any other federal, state, or
24 municipal law. A court considering such civil action may also award

1 injunctive relief, which may include, but is not limited to,
2 reinstatement of a medical practitioner to his or her previous
3 position, reinstatement of board certification, and relicensure of a
4 health care institution or health care payer.

5 SECTION 6. This act shall become effective November 1, 2026.

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