

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2101

By: Deever

6 AS INTRODUCED

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

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

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

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

20 B. The Legislature finds and declares the following:

21 1. State Sovereignty: The Tenth Amendment to the United States
22 Constitution reserves to the states all powers not explicitly
delegated to the federal government, including the authority to
23 regulate health and safety within state borders;

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

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

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

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

c. punitive damages in cases of gross negligence or fraud.

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

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

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

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

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9001.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

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, 2026.

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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