

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE JOINT  
RESOLUTION 34

By: Bullard

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new Section 38 to Article II; defining terms; prohibiting certain acts related to abortion; imposing certain duty on health care providers; granting certain criminal and civil immunities; providing certain criminal penalty; authorizing certain civil actions; directing and prohibiting award of certain relief; providing certain construction; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
2ND SESSION OF THE 60TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to the Oklahoma Constitution by adding a new Section 38 to Article II to read as follows:

### Section 38. A. As used in this section:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the life of an unborn person with the intent of

1 terminating the pregnancy of a mother known to be pregnant, reducing  
2 the number of unborn persons being carried by such mother in the  
3 event of a multifetal pregnancy, or preventing implantation in the  
4 event that an abortion is being administered after conception but  
5 before implantation. Abortion does not include any medical  
6 procedure performed to increase the probability of a live birth; to  
7 preserve the life or health of the child after live birth; to  
8 provide care for an unborn person or mother of the unborn person in  
9 an ectopic pregnancy, provided that such care is not intended to  
10 terminate the life of the unborn person or mother; or to remove a  
11 dead unborn person who died as the result of a spontaneous  
12 miscarriage, accidental trauma, or criminal assault on the pregnant  
13 mother or the unborn person;

14 2. "Deliver" means to perform a childbirth, in which a living  
15 unborn person is brought out of the mother's uterus with the intent  
16 of preserving the life of the unborn person either through natural  
17 childbirth processes, also known as labor and parturition, or by  
18 assistance through medical interventions; and

19 3. "Unborn person" means the unborn offspring of human beings  
20 from the moment of conception, through pregnancy, and until live  
21 birth including the human conceptus, zygote, morula, blastocyst,  
22 embryo, and fetus.

1       B. 1. Notwithstanding any other provision of law, a person  
2 shall not purposely or recklessly perform, attempt to perform, or  
3 cause, aid, or abet in any way the performance of an abortion.

4       2. When a medical condition arises that, in the reasonable  
5 medical judgment of the attending health care provider, threatens  
6 the life of a pregnant woman and necessitates delivery of the unborn  
7 person, the health care provider shall deliver the unborn person and  
8 shall make every reasonable effort, given the provider's  
9 credentials, capabilities, and training, to perform a live birth of  
10 the unborn person, to preserve the life of the unborn person while  
11 in utero and during and after live birth and delivery, and to  
12 preserve the life of the pregnant woman.

13       C. If the health care provider makes every such reasonable  
14 effort, he or she shall not be:

15       1. Subject to prosecution for the death of the unborn person or  
16 pregnant woman including, but not limited to, prosecution under  
17 subsection E of this section; or

18       2. Liable for any civil damages as a result of acts or  
19 omissions by such health care provider including, but not limited  
20 to, liability under subsection F of this section, except for  
21 committing gross negligence or willful wanton wrongs in the  
22 rendering of medical care.

1       D. Any person found in violation of subsection B of this  
2 section shall, upon conviction, be guilty of murder in the first  
3 degree.

4       E. The Attorney General may bring an action to enforce  
5 compliance with this section. This subsection shall not be  
6 construed to deny, impair, or otherwise affect any right or  
7 authority of the Attorney General, the state, or an agency, officer,  
8 or employee of the state to institute or intervene in any action or  
9 proceeding.

10      F. 1. In addition to the civil remedy provided by subsection E  
11 of this section, any person may bring a civil action against any  
12 person who violates subsection B of this section.

13      2. If a plaintiff prevails in an action brought under this  
14 subsection, the court shall award:

- 15       a. injunctive relief sufficient to prevent the defendant  
16           from violating subsection B of this section,
- 17       b. statutory damages in an amount not less than Ten  
18           Thousand Dollars (\$10,000.00) per violation, unless  
19           the plaintiff is the state, a political subdivision of  
20           the state, or an officer or employee of the state or a  
21           political subdivision,
- 22       c. nominal and compensatory damages if the plaintiff has  
23           suffered harm from the defendant's conduct including,

but not limited to, loss of consortium and emotional distress, and

d. court costs and attorney fees.

3. Notwithstanding paragraph 2 of this subsection, a court  
shall not award relief under subparagraph b or d of paragraph 2 of  
this subsection in response to a violation of subsection B of this  
section if the defendant demonstrates that a court has already  
ordered the defendant to pay not less than Ten Thousand Dollars  
(\$10,000.00) of statutory damages as provided in subparagraph b of  
paragraph 2 of this subsection in a previous action for that  
particular violation.

12       G. This section does not prohibit the sale, use, prescription,  
13 or administration of a contraceptive measure, drug, or chemical if  
14 the contraceptive measure, drug, or chemical is administered before  
15 the time when a pregnancy could be determined through conventional  
16 medical testing and if the contraceptive measure, drug, or chemical  
17 is sold, used, prescribed, or administered in accordance with  
18 manufacturer instructions.

19 SECTION 2. The Ballot Title for the proposed Constitutional  
20 amendment as set forth in SECTION 1 of this resolution shall be in  
21 the following form:

**BALLOT TITLE**

23 Legislative Referendum No. State Question No.

24 | THE LIST OF THE PROPOSITION IS AS FOLLOWS:

1 This measure would add a new section to the Oklahoma  
2 Constitution. It would add Section 38 to Article 2. This  
3 measure prohibits purposely or recklessly performing, attempting  
4 to perform, or causing, aiding, or abetting in any way an  
5 abortion. It requires a health care provider to attempt to  
6 deliver an unborn child when a medical condition arises that  
7 threatens the life of the pregnant woman, requires the provider  
8 to make every reasonable effort to perform a live birth of the  
9 unborn person and to preserve the lives of the unborn person and  
10 the pregnant woman, and protects the provider from criminal  
11 prosecution and civil liability if the provider makes every such  
12 reasonable effort. This measure states that a person found in  
13 violation of the abortion prohibition is guilty of first degree  
14 murder. It allows any person to bring a civil action against a  
15 person who violates the abortion prohibition and directs the  
16 court to award injunctive relief, damages, and court costs and  
17 attorney fees to successful plaintiffs. It clarifies that this  
18 measure does not prohibit contraceptive measures, drugs, or  
19 chemicals if administered before the time when a pregnancy could  
20 be determined through conventional medical testing and if used  
21 in accordance with manufacturer instructions. This measure  
22 defines abortion as the use or prescription of any instrument,  
23 medicine, drug, or any other substance or device intentionally  
24 to terminate the life of an unborn person with the intent of

1 terminating the pregnancy of a mother known to be pregnant,  
2 reducing the number of unborn persons being carried by such  
3 mother in the event of a multifetal pregnancy, or preventing  
4 implantation in the event that an abortion is being administered  
5 after conception but before implantation. Abortion does not  
6 include any medical procedure performed to increase the  
7 probability of a live birth, to preserve the life or health of  
8 the child after live birth, to remove or address an ectopic  
9 pregnancy, or to remove a dead unborn person who died as the  
10 result of a spontaneous miscarriage, accidental trauma, or  
11 criminal assault on the pregnant mother or the unborn person.

12 SHALL THE PROPOSAL BE APPROVED?

13 FOR THE PROPOSAL — YES \_\_\_\_\_

14 AGAINST THE PROPOSAL — NO \_\_\_\_\_

15 SECTION 3. The President Pro Tempore of the Senate shall,  
16 immediately after the passage of this resolution, prepare and file  
17 one copy thereof, including the Ballot Title set forth in SECTION 2  
18 hereof, with the Secretary of State and one copy with the Attorney  
19 General.

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