

1 ENGROSSED SENATE
2 BILL NO. 714

By: Williamson, Jolley,
Mazzei, Johnson (Mike),
Reynolds, Bingman,
Barrington, Myers, Branan,
Schulz, Sykes, Aldridge,
Brown, Laughlin, Coffee,
Wilcoxson, Brogdon and
Lamb of the Senate

6 and

7 Wright of the House

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9
10 [public health and safety - modifying definition -
11 requiring provisions to remain effective -
12 prohibiting certain persons from performing or
13 assisting an abortion - prohibiting certain funds
14 from being used - codification -
15 effective date]

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

18 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-730, is
19 amended to read as follows:

20 Section 1-730. As used in this article:

21 1. "Abortion" means the ~~purposeful termination of a human~~
22 ~~pregnancy, by any person with an intention other than to produce a~~
23 ~~live birth or to remove a dead unborn child~~ use or prescription of
24 any instrument, medicine, drug, or any other substance or device

1 intentionally to terminate the pregnancy of a female known to be
2 pregnant with an intention other than to increase the probability of
3 a live birth, to preserve the life or health of the child after live
4 birth, to remove an ectopic pregnancy, or to remove a dead unborn
5 child who died as the result of a spontaneous abortion, accidental
6 trauma, or a criminal assault on the pregnant female or her unborn
7 child;

8 2. "Unborn child" means the unborn offspring of human beings
9 from the moment of conception, through pregnancy, and until live
10 birth including the human conceptus, zygote, morula, blastocyst,
11 embryo and fetus;

12 3. "Viable" means potentially able to live outside of the womb
13 of the mother upon premature birth, whether resulting from natural
14 causes or an abortion;

15 4. "Conception" means the fertilization of the ovum of a female
16 individual by the sperm of a male individual;

17 5. "Health" means physical or mental health;

18 6. "Department" means the State Department of Health;

19 7. "Inducing an abortion" means the administration by any
20 person, including the pregnant woman, of any substance designed or
21 intended to cause an expulsion of the unborn child, effecting an
22 abortion as defined above; and

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1 8. Nothing contained herein shall be construed in any manner to
2 include any birth control device or medication or sterilization
3 procedure.

4 SECTION 2. AMENDATORY Section 7, Chapter 185, O.S.L.
5 2006 (63 O.S. Supp. 2006, Section 1-738.7), is amended to read as
6 follows:

7 Section 1-738.7 As used in the Unborn Child Pain
8 Awareness/Prevention Act:

9 1. "Abortion" means the use or prescription of any instrument,
10 medicine, drug, or any other substance or device intentionally to
11 terminate the pregnancy of a female known to be pregnant with an
12 intention other than to increase the probability of a live birth, to
13 preserve the life or health of the child after live birth, to remove
14 an ectopic pregnancy, or to remove a dead fetus who dies as the
15 result of a spontaneous miscarriage, accidental trauma or a criminal
16 assault on the pregnant female or her unborn child;

17 2. "Attempt to perform an abortion" means an act, or an
18 omission of a statutorily required act that, under the circumstances
19 as the actor believes them to be, constitutes a substantial step in
20 a course of conduct planned to culminate in the performance of an
21 abortion in Oklahoma in violation of the Unborn Child Pain
22 Awareness/Prevention Act;

23 3. "Unborn child" means a member of the species homo sapiens
24 from fertilization until birth;

1 4. "Medical emergency" means any condition which, on the basis
2 of the good faith clinical judgment of a physician, so complicates
3 the medical condition of a pregnant female as to necessitate the
4 immediate abortion of the pregnancy to avert the death of the
5 pregnant female or for which a delay will create serious risk of
6 substantial and irreversible impairment of a major bodily function;

7 5. "Physician" means a person licensed to practice medicine in
8 this state pursuant to Chapters 11 and 14 of Title 59 of the
9 Oklahoma Statutes; and

10 6. "Probable gestational age" means the gestational age of the
11 unborn child at the time the abortion is planned to be performed, as
12 determined by the physician using reasonable probability.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-740.6 of Title 63, unless
15 there is created a duplication in numbering, reads as follows:

16 If any court of law enjoins, suspends, or delays the
17 implementation of the provisions of this act, the provisions of
18 Section 1-730 and 1-738.7 of Title 63 of the Oklahoma Statutes, as
19 of December 31, 2006, are effective during such injunction,
20 suspension, or delayed implementation.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-741.1 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

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1 A. It shall be unlawful for any person employed by this state
2 or any agency or political subdivision thereof, within the scope of
3 the person's employment, to perform or assist an abortion not
4 necessary to save the life of the mother. It shall be unlawful for
5 any public institution, public facility, public equipment, or other
6 physical asset owned, leased or controlled by this state or any
7 agency or political subdivisions thereof to be used for the purpose
8 of performing or assisting an abortion not necessary to save the
9 life of the mother. This subsection shall not be construed to
10 prohibit use by private entities of public utilities or the services
11 of firefighters or police.

12 B. It shall be unlawful for any funds received or controlled by
13 this state or any agency or political subdivision thereof,
14 including, but not limited to, funds derived from federal, state or
15 local taxes, gifts or grants, from any source, public or private,
16 federal grants or payments, or intergovernmental transfers, to be
17 used to encourage a woman to have an abortion not necessary to save
18 her life, except to the extent required for continued participation
19 in a federal program.

20 SECTION 5. This act shall become effective November 1, 2007.

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1 Passed the Senate the 13th day of March, 2007.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2007.

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8 _____
9 Presiding Officer of the House
10 of Representatives