

1 **SENATE FLOOR VERSION**

2 February 3, 2021

3 SENATE BILL NO. 612

By: Dahm

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6 An Act relating to abortion; defining terms;
7 prohibiting performance of or attempt to perform
8 abortion except under certain condition; providing
9 penalties; providing certain construction; providing
10 affirmative defense; providing for codification; and
11 providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-731.3 of Title 63, unless
15 there is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. The terms "abortion" and "unborn child" shall have the same
18 meaning as provided by Section 1-730 of Title 63 of the Oklahoma
19 Statutes; and

20 2. "Medical emergency" means a condition which cannot be
21 remedied by delivery of the child in which an abortion is necessary
22 to preserve the life of a pregnant woman whose life is endangered by
23 a physical disorder, physical illness or physical injury including a
24 life-endangering physical condition caused by or arising from the
pregnancy itself.

1 B. 1. Notwithstanding any other provision of law, a person
2 shall not purposely perform or attempt to perform an abortion except
3 to save the life of a pregnant woman in a medical emergency.

4 2. A person convicted of performing or attempting to perform an
5 abortion shall be guilty of a felony punishable by a fine not to
6 exceed One Hundred Thousand Dollars (\$100,000.00), or by confinement
7 in the custody of the Department of Corrections for a term not to
8 exceed ten (10) years, or by such fine and imprisonment.

9 3. This section does not:

10 a. authorize the charging or conviction of a woman with
11 any criminal offense in the death of her own unborn
12 child, or

13 b. prohibit the sale, use, prescription or administration
14 of a contraceptive measure, drug or chemical if the
15 contraceptive measure, drug or chemical is
16 administered before the time when a pregnancy could be
17 determined through conventional medical testing and if
18 the contraceptive measure, drug or chemical is sold,
19 used, prescribed or administered in accordance with
20 manufacturer instructions.

21 4. It is an affirmative defense to prosecution under this
22 section if a licensed physician provides medical treatment to a
23 pregnant woman which results in the accidental or unintentional
24 injury or death to the unborn child.

1 SECTION 2. This act shall become effective November 1, 2021.

2 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
3 February 3, 2021 - DO PASS
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