

1 **SENATE FLOOR VERSION**

2 February 21, 2022

3 SENATE BILL NO. 1553

By: Treat

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5  
6 An Act relating to abortion; amending 63 O.S. 2021,  
7 Section 1-730, which relates to definitions; deleting  
8 definition; amending 63 O.S. 2021, Section 1-732,  
9 which relates to viability of fetus; modifying  
10 grounds to perform abortion; prohibiting abortion  
11 after certain time period except under specified  
12 conditions; amending 63 O.S. 2021, Sections 1-734, 1-  
13 737.8, 1-740.16, 1-745.3, and 1-756; conforming  
14 language; updating statutory language; updating  
15 statutory reference; and providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-730, is  
18 amended to read as follows:

19 Section 1-730. A. As used in this article:

20 1. "Abortion" means the use or prescription of any instrument,  
21 medicine, drug, or any other substance or device intentionally to  
22 terminate the pregnancy of a female known to be pregnant with an  
23 intention other than to increase the probability of a live birth, to  
24 preserve the life or health of the child after live birth, to remove  
an ectopic pregnancy, or to remove a dead unborn child who died as  
the result of a spontaneous miscarriage, accidental trauma, or a  
criminal assault on the pregnant female or her unborn child;

1           2. "Attempt to perform an abortion" means an act, or an  
2 omission of a statutorily required act, that under the circumstances  
3 as the actor believes them to be constitutes a substantial step in a  
4 course of conduct planned to culminate in the performance of an  
5 abortion;

6           3. "Certified technician" means a Registered Diagnostic Medical  
7 Sonographer who is certified in obstetrics and gynecology by the  
8 American Registry for Diagnostic Medical Sonography (ARDMS) or a  
9 Nurse Midwife or Advance Practice Nurse Practitioner in Obstetrics  
10 with certification in obstetrical ultrasonography;

11           4. "Unborn child" or "unborn person" means the unborn offspring  
12 of human beings from the moment of conception, through pregnancy,  
13 and until live birth including the human conceptus, zygote, morula,  
14 blastocyst, embryo and fetus;

15           5. "Unemancipated minor" means any person less than eighteen  
16 (18) years of age who is not or has not been married or who is under  
17 the care, custody, and control of the person's parent or parents,  
18 guardian, or juvenile court of competent jurisdiction;

19           ~~6. "Viable" means potentially able to live outside of the womb  
20 of the mother upon premature birth, whether resulting from natural  
21 causes or an abortion;~~

22           ~~7.~~ "Conception" means the fertilization of the ovum of a female  
23 individual by the sperm of a male individual;

24           ~~8.~~ 7. "Health" means physical or mental health;

1       ~~9.~~ 8. "Department" means the State Department of Health; and

2       ~~10.~~ 9. "Inducing an abortion" means the administration by any  
3 person, including the pregnant woman, of any substance designed or  
4 intended to cause an expulsion of the unborn child, effecting an  
5 abortion as defined above.

6       B. Nothing contained herein shall be construed in any manner to  
7 include any contraceptive device or medication or sterilization  
8 procedure.

9       SECTION 2.       AMENDATORY       63 O.S. 2021, Section 1-732, is  
10 amended to read as follows:

11       Section 1-732. A. No person shall perform or induce an  
12 abortion upon a pregnant woman ~~after such time as her unborn child~~  
13 ~~has become viable~~ if more than thirty (30) days have elapsed since  
14 the probable beginning of the last menstrual period of the pregnant  
15 woman, based upon either information provided by her or by an  
16 examination by her attending physician, unless such abortion is  
17 necessary to prevent the death of the pregnant woman or to prevent  
18 impairment to her health.

19       B. ~~An unborn child shall be presumed to be viable if more than~~  
20 ~~twenty-four (24) weeks have elapsed since the probable beginning of~~  
21 ~~the last menstrual period of the pregnant woman, based upon either~~  
22 ~~information provided by her or by an examination by her attending~~  
23 ~~physician. If it is the judgment of the attending physician that a~~  
24 ~~particular unborn child is not viable where the presumption of~~

1 ~~viability exists as to that particular unborn child, then he shall~~  
2 ~~certify in writing the precise medical criteria upon which he has~~  
3 ~~determined that the particular unborn child is not viable before an~~  
4 ~~abortion may be performed or induced.~~

5       ~~C.~~ C. No abortion of a ~~viable~~ an unborn child after the time  
6 period specified by subsection A of this section shall be performed  
7 or induced except after written certification by the attending  
8 physician that in ~~his~~ the best medical judgment of the physician the  
9 abortion is necessary to prevent the death of the pregnant woman or  
10 to prevent an impairment to her health. The physician shall further  
11 certify in writing the medical indications for such abortion and the  
12 probable health consequences if the abortion is not performed or  
13 induced.

14       ~~D.~~ C. The physician who shall perform or induce an abortion  
15 upon a pregnant woman after ~~such time as her unborn child has become~~  
16 ~~viable~~ the time period specified by subsection A of this section  
17 shall utilize the available method or technique of abortion most  
18 likely to preserve the life and health of the unborn child, unless  
19 ~~he shall first certify~~ the physician first certifies in writing that  
20 in ~~his~~ the best medical judgment of the physician such method or  
21 technique ~~shall present~~ presents a significantly greater danger to  
22 the life or health of the pregnant woman than another available  
23 method or technique.

24

1        ~~E.~~ D. An abortion of a ~~viable~~ an unborn child after the time  
2 period specified by subsection A of this section shall be performed  
3 or induced only when there is in attendance a physician other than  
4 the physician performing or inducing the abortion who shall take  
5 control of and provide immediate medical care for the child. During  
6 the performance or inducing of the abortion, the physician  
7 performing it, and subsequent to it, the physician required by this  
8 section to be in attendance, shall take all reasonable steps in  
9 keeping with good medical practice, consistent with the procedure  
10 used, to preserve the life and health of the child, in the same  
11 manner as if the child had been born naturally or spontaneously.  
12 The requirement of the attendance of a second physician may be  
13 waived when in the best judgment of the attending physician a  
14 medical emergency exists and further delay would result in a serious  
15 threat to the life or physical health of the pregnant woman.  
16 Provided that, under such emergency circumstances and waiver, the  
17 attending physician shall have the duty to take all reasonable steps  
18 to preserve the life and health of the child before, during and  
19 after the abortion procedure, unless such steps ~~shall~~, in the best  
20 medical judgment of the physician, present a significantly greater  
21 danger to the life or health of the pregnant woman.

22        ~~F.~~ E. Any person violating subsection A of this section shall  
23 be guilty of homicide.

24

1 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-734, is  
2 amended to read as follows:

3 Section 1-734. A. No person shall purposely take the life of a  
4 child born as a result of an abortion or attempted abortion which is  
5 alive when partially or totally removed from the uterus of the  
6 pregnant woman.

7 B. ~~No~~ After the time period specified by subsection A of  
8 Section 1-732 of this title, no person shall purposely take the life  
9 of a ~~viable~~ child who is alive while inside the uterus of the  
10 pregnant woman and may be removed alive therefrom without creating  
11 any significant danger to her life or health.

12 C. Any person who performs, induces, or participates in the  
13 performance or inducing of an abortion shall take all reasonable  
14 measures to preserve the life of a child who is alive when partially  
15 or totally removed from the uterus of the pregnant woman, so long as  
16 the measures do not create any significant danger to her life or  
17 health.

18 D. Any person violating this section shall be guilty of  
19 homicide.

20 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-737.8, is  
21 amended to read as follows:

22 Section 1-737.8. For the purposes of the Oklahoma Unborn Child  
23 Protection from Dismemberment Abortion Act:  
24

1 1. "Abortion" means the use or prescription of any instrument,  
2 medicine, drug, or any other substance or device:

3 a. to purposely kill the unborn child of a woman known to  
4 be pregnant, or

5 b. to purposely terminate the pregnancy of a woman known  
6 to be pregnant, with a purpose other than:

7 (1) after ~~viability~~ the time period specified by  
8 subsection A of Section 1-732 of this title, to  
9 produce a live birth and preserve the life and  
10 health of the child born alive, or

11 (2) to remove a dead unborn child;

12 2. "Attempt to perform an abortion" means to do or omit to do  
13 anything that, under the circumstances as the actor believes them to  
14 be, is an act or omission constituting a substantial step in a  
15 course of conduct planned to culminate in the actor performing an  
16 abortion. Such substantial steps include, but are not limited to:

17 a. agreeing with an individual to perform an abortion on  
18 that individual or on some other person, whether or  
19 not the term "abortion" is used in the agreement, and  
20 whether or not the agreement is contingent on another  
21 factor such as receipt of payment or a determination  
22 of pregnancy, or

23 b. scheduling or planning a time to perform an abortion  
24 on an individual, whether or not the term "abortion"

1 is used, and whether or not the performance is  
2 contingent on another factor such as receipt of  
3 payment or a determination of pregnancy.

4 This definition shall not be construed to require that an abortion  
5 procedure actually must be initiated for an attempt to occur;

6 3. "Dismemberment abortion" means, with the purpose of causing  
7 the death of an unborn child, purposely to dismember a living unborn  
8 child and extract him or her one piece at a time from the uterus  
9 through use of clamps, grasping forceps, tongs, scissors or similar  
10 instruments that, through the convergence of two rigid levers,  
11 slice, crush, and/or grasp a portion of the unborn child's body to  
12 cut or rip it off. This definition does not include an abortion  
13 which uses suction to dismember the body of the developing unborn  
14 child by sucking fetal parts into a collection container;

15 4. "Physician" means a person licensed to practice medicine and  
16 surgery or osteopathic medicine and surgery, or otherwise legally  
17 authorized to perform an abortion;

18 5. "Purposely" means the following: A person acts purposely  
19 with respect to a material element of an offense when:

- 20 a. if the element involves the nature of his or her  
21 conduct or a result thereof, it is his or her  
22 conscious objective to engage in conduct of that  
23 nature or to cause such a result, and  
24



1           b.    if the element involves the attendant circumstances,  
2                    he or she is aware of the existence of such  
3                    circumstances or he or she believes or hopes that they  
4                    exist;

5           6.    "Serious health risk to the unborn child's mother" means  
6           that in reasonable medical judgment she has a condition that so  
7           complicates her medical condition that it necessitates the abortion  
8           of her pregnancy to avert her death or to avert serious risk of  
9           substantial and irreversible physical impairment of a major bodily  
10          function, not including psychological or emotional conditions. No  
11          such condition may be determined to exist if it is based on a claim  
12          or diagnosis that the woman will engage in conduct which she intends  
13          to result in her death or in substantial and irreversible physical  
14          impairment of a major bodily function; and

15          7.    "Woman" means a female human being whether or not she has  
16          reached the age of majority.

17          SECTION 5.        AMENDATORY        63 O.S. 2021, Section 1-740.16, is  
18          amended to read as follows:

19          Section 1-740.16. As used in the Choosing Childbirth Act:

20          1.    "Abortion" means the use or prescription of any instrument,  
21          medicine, drug or any other substance or device to intentionally:

22                a.    kill the unborn child of a woman known to be pregnant,  
23                    or

1 b. terminate the pregnancy of a woman known to be  
2 pregnant, with an intention other than:

3 (1) after ~~viability of the unborn child~~ the time  
4 period specified by subsection A of Section 1-732  
5 of this title, to produce a live birth and  
6 preserve the life and health of the child born  
7 alive, or

8 (2) to remove a dead unborn child;

9 2. "Unborn child" means an individual organism of the species  
10 Homo sapiens from fertilization until birth; and

11 3. "Grant-supervising entity" means a private entity which  
12 approves all grants provided under the Choosing Childbirth Act and  
13 which:

14 a. is organized as a not-for-profit corporation in  
15 Oklahoma and as a 501(c)3 entity under the federal  
16 Internal Revenue Code, and

17 b. does not encourage or counsel any woman to have an  
18 abortion not necessary to prevent her death, to  
19 provide her such an abortion or to refer her for such  
20 an abortion, and does not accept funds or services  
21 knowingly from any entity which performs abortions or  
22 receives money for abortions.

23 SECTION 6. AMENDATORY 63 O.S. 2021, Section 1-745.3, is  
24 amended to read as follows:

1 Section 1-745.3. The Legislature ~~of the State of Oklahoma~~ finds  
2 that:

3 1. Pain receptors (nociceptors) are present throughout the  
4 unborn child's entire body by no later than sixteen (16) weeks after  
5 fertilization and nerves link these receptors to the brain's  
6 thalamus and subcortical plate by no later than twenty (20) weeks;

7 2. By eight (8) weeks after fertilization, the unborn child  
8 reacts to touch. After twenty (20) weeks, the unborn child reacts  
9 to stimuli that would be recognized as painful if applied to an  
10 adult human, for example by recoiling;

11 3. In the unborn child, application of such painful stimuli is  
12 associated with significant increases in stress hormones known as  
13 the stress response;

14 4. Subjection to such painful stimuli is associated with long-  
15 term harmful neurodevelopmental effects, such as altered pain  
16 sensitivity and, possibly, emotional, behavioral, and learning  
17 disabilities later in life;

18 5. For the purposes of surgery on unborn children, fetal  
19 anesthesia is routinely administered and is associated with a  
20 decrease in stress hormones compared to their level when painful  
21 stimuli are applied without such anesthesia;

22 6. The position, asserted by some medical experts, that the  
23 unborn child is incapable of experiencing pain until a point later  
24 in pregnancy than twenty (20) weeks after fertilization

1 predominately rests on the assumption that the ability to experience  
2 pain depends on the cerebral cortex and requires nerve connections  
3 between the thalamus and the cortex. However, recent medical  
4 research and analysis, especially since 2007, provides strong  
5 evidence for the conclusion that a functioning cortex is not  
6 necessary to experience pain;

7 7. Substantial evidence indicates that children born missing  
8 the bulk of the cerebral cortex, those with hydranencephaly,  
9 nevertheless experience pain;

10 8. In adults, stimulation or ablation of the cerebral cortex  
11 does not alter pain perception, while stimulation or ablation of the  
12 thalamus does;

13 9. Substantial evidence indicates that structures used for pain  
14 processing in early development differ from those of adults, using  
15 different neural elements available at specific times during  
16 development, such as the subcortical plate, to fulfill the role of  
17 pain processing;

18 10. The position, asserted by some, that the unborn child  
19 remains in a coma-like sleep state that precludes the unborn child  
20 from experiencing pain is inconsistent with the documented reaction  
21 of unborn children to painful stimuli and with the experience of  
22 fetal surgeons who have found it necessary to sedate the unborn  
23 child with anesthesia to prevent the unborn child from thrashing  
24 about in reaction to invasive surgery;

1 11. Consequently, there is substantial medical evidence that an  
2 unborn child is capable of experiencing pain by twenty (20) weeks  
3 after fertilization;

4 12. It is the purpose of ~~the State of Oklahoma~~ this state to  
5 assert a compelling state interest in protecting the lives of unborn  
6 children from the stage at which substantial medical evidence  
7 indicates that they are capable of feeling pain; and

8 13. Oklahoma's compelling state interest in protecting the  
9 lives of unborn children from the stage at which substantial medical  
10 evidence indicates that they are capable of feeling pain is intended  
11 to be separate from and independent of Oklahoma's compelling state  
12 interest in protecting the lives of unborn children ~~from the stage~~  
13 ~~of viability~~ after the time period specified by subsection A of  
14 Section 1-732 of this title, and neither state interest is intended  
15 to replace the other.

16 SECTION 7. AMENDATORY 63 O.S. 2021, Section 1-756, is  
17 amended to read as follows:

18 Section 1-756. A. As used in this section:

19 1. "Abortion" means the use or prescription of any instrument,  
20 medicine, drug or any other substance or device:

21 (a) to intentionally kill the unborn child of a woman  
22 known to be pregnant, ~~or~~ or

23 (b) to intentionally terminate the pregnancy of a woman  
24 known to be pregnant, with an intention other than to

1                   remove a dead unborn child or, after ~~viability~~ the  
2                   time period specified by subsection A of Section 1-732  
3                   of this title, to produce a live birth and preserve  
4                   the life and health of the child born alive;

5           2. "Medical emergency" means a condition which, in reasonable  
6 medical judgment, so complicates the medical condition of the  
7 pregnant woman as to necessitate the immediate abortion of her  
8 pregnancy to avert her death or for which a delay will create  
9 serious risk of substantial and irreversible physical impairment of  
10 a major bodily function, not including psychological or emotional  
11 conditions. No condition shall be deemed a medical emergency if  
12 based on a claim or diagnosis that the woman will engage in conduct  
13 which she intends to result in her death or in substantial and  
14 irreversible physical impairment of a major bodily function; and

15           3. "Medication abortion" means the use or prescription of an  
16 abortion-inducing drug or drugs dispensed with the intent to cause  
17 the death of the unborn child.

18           B. 1. Any private office, freestanding outpatient clinic,  
19 hospital or other facility or clinic in which medication abortions  
20 that use mifepristone are provided shall conspicuously post a sign  
21 in a location defined in paragraph 3 of this subsection so as to be  
22 clearly visible to patients, which reads:

23           "NOTICE TO PATIENTS HAVING MEDICATION ABORTIONS WHICH USE  
24 MIFEPRISTONE: Mifepristone, also known as RU-486 or Mifeprex, alone

1 is not always effective in ending a pregnancy. It may be possible  
2 to reverse its intended effect if the second pill or tablet has not  
3 been taken or administered. If you change your mind and wish to try  
4 to continue the pregnancy, you can get immediate help by calling the  
5 Abortion Pill Reversal 24-hour Hotline at 877-558-0333 or going to  
6 website <https://www.abortionpillreversal.com/>. Additional  
7 information is available on the State Board of Medical Licensure and  
8 Supervision's website, [www.awomansright.org](http://www.awomansright.org), which provides informed  
9 consent materials under the Woman's Right-to-Know Act, including  
10 information about the development of the unborn child and video of  
11 ultrasound images of the unborn child at various stages of  
12 development."

13 2. The sign required pursuant to paragraph 1 of this subsection  
14 shall be printed with lettering that is legible and shall be at  
15 least three-fourths (3/4) of an inch boldfaced type.

16 3. A facility in which medication abortions that use  
17 mifepristone are provided that is a private office or a freestanding  
18 outpatient clinic shall post the required sign in each patient  
19 waiting room and patient consultation room used by patients to whom  
20 such medication abortions are provided. A hospital or any other  
21 facility in which medication abortions are performed that is not a  
22 private office or freestanding outpatient clinic shall post the  
23 required sign in each patient admission area used by patients on  
24 whom abortions are performed.

1 C. 1. Except in the case of a medical emergency, a medication  
2 abortion that uses mifepristone shall not be provided or induced or  
3 attempted to be provided or induced without informing the female, by  
4 telephone or in person, by the physician who is to dispense or  
5 provide the abortion drug or drugs, by a referring physician or by  
6 an agent of either physician at least seventy-two (72) hours before  
7 the abortion:

8 a. that it may be possible to reverse the intended  
9 effects of a medication abortion that uses  
10 mifepristone if the woman changes her mind but that  
11 time is of the essence, and

12 b. of information on reversing the effects of a  
13 medication abortion that uses mifepristone, which is  
14 available on the website of the State Board of Medical  
15 Licensure and ~~Supervision~~ Supervision, and included in  
16 such information is the Abortion Pill Reversal 24-hour  
17 Hotline number: 877-558-0333 and website address:  
18 <https://www.abortionpillreversal.com>.

19 2. After the first drug, mifepristone, is dispensed or provided  
20 to the patient, the physician or an agent of the physician shall  
21 provide written instructions to the pregnant woman which shall  
22 include the statement:

23 "NOTICE TO PATIENTS HAVING MEDICATION ABORTIONS WHICH USE  
24 MIFEPRISTONE: Mifepristone, also known as RU-486 or Mifeprex, alone



1 is not always effective in ending a pregnancy. It may be possible  
2 to reverse its intended effect if the second pill or tablet has not  
3 been taken or administered. If you change your mind and wish to try  
4 to continue the pregnancy, you can get immediate help by calling the  
5 Abortion Pill Reversal 24-hour Hotline at 877-558-0333 or going to  
6 Abortion Pill Reversal website,  
7 <https://www.abortionpillreversal.com/>. Additional information is  
8 available on the State Board of Medical Licensure and Supervision's  
9 website, [www.awomansright.org](http://www.awomansright.org), which provides informed consent  
10 materials under the Woman's Right-to-Know Act, including information  
11 about the development of the unborn child and video of ultrasound  
12 images of the unborn child at various stages of development."

13 D. When a medical emergency compels the performance of an  
14 abortion, the physician shall inform the female, prior to the  
15 abortion if possible, of the medical indications supporting the  
16 physician's judgment that an abortion is necessary to avert her  
17 death or that a seventy-two-hour delay will create serious risk of  
18 substantial and irreversible physical impairment of a major bodily  
19 function, not including psychological or emotional conditions.

20 E. Within ninety (90) days after ~~this act~~ Section 1-751 et seq.  
21 of this title is enacted, the State Board of Medical Licensure and  
22 Supervision shall cause to be published, in English and in each  
23 language which is the primary language of two percent (2%) or more  
24 of the state's population, in print and on the website required to

1 be developed and maintained under Section 1-738.11 of Title 63 of  
2 the Oklahoma Statutes, comprehensible materials designed to inform  
3 the female of the possibility of reversing the effects of a  
4 medication abortion that uses mifepristone, also known as RU-486 or  
5 Mifeprex, and information on resources that may be available to help  
6 her reverse its effects. The website shall include the Abortion  
7 Pill Reversal 24-hour Hotline number 877-558-0333 and the Abortion  
8 Pill Reversal website address <https://www.abortionpillreversal.com>.

9 F. Any person who knowingly or recklessly provides or induces  
10 or attempts to provide or induce an abortion in violation of this  
11 section shall be guilty of a felony. No penalty may be assessed  
12 against the female to whom the medication abortion is provided or  
13 induced or attempted to be provided or induced. No penalty or civil  
14 liability may be assessed for failure to comply with subsection C of  
15 this section unless the State Board of Medical Licensure and  
16 Supervision has made the information available on the website at the  
17 time the physician or the physician's agent is required to inform  
18 the female.

19 G. Any private office, freestanding outpatient clinic or other  
20 facility or clinic that fails to post a sign required in subsection  
21 B of this section in knowing, reckless or negligent violation of  
22 ~~this act~~ Section 1-751 et seq. of this title shall be assessed a  
23 fine of Ten Thousand Dollars (\$10,000.00) by the State Board of  
24 Medical Licensure and Supervision. Each day on which a medication

1 abortion that uses mifepristone, other than a medication abortion  
2 that is necessary to prevent the death of the pregnant female, is  
3 provided in any private office, freestanding outpatient clinic or  
4 other facility or clinic during which the required sign is not  
5 posted during a portion of business hours when patients or  
6 ~~perspective~~ prospective patients are present is a separate  
7 violation.

8 H. 1. Any person upon whom an abortion has been performed  
9 without this section having been complied with, the father of the  
10 unborn child who was the subject of such an abortion, or, if the  
11 female had not attained the age of eighteen (18) years at the time  
12 of the medication abortion or has died as a result of the medication  
13 abortion, the grandparent of such an unborn child may maintain an  
14 action against the person who provided the medication abortion in  
15 knowing or reckless violation of this section for actual and  
16 punitive damages. Any person upon whom an abortion has been  
17 attempted without this section having been complied with may  
18 maintain an action against the person who attempted to provide the  
19 abortion in knowing or reckless violation of this section for actual  
20 and punitive damages. No damages may be awarded a plaintiff if the  
21 pregnancy resulted from the plaintiff's criminal conduct.

22 2. If judgment is rendered in favor of the plaintiff in any  
23 action described in this subsection, the court shall also render  
24 judgment for a reasonable ~~attorney's~~ attorney fee in favor of the

1 plaintiff against the defendant. If judgment is rendered in favor  
2 of the defendant and the court finds that the plaintiff's suit was  
3 frivolous and brought in bad faith, the court shall also render  
4 judgment for a reasonable ~~attorney's~~ attorney fee in favor of the  
5 defendant against the plaintiff.

6 I. In every civil or criminal proceeding or action brought  
7 under this section, the court shall rule whether the anonymity of  
8 any female to whom a medication abortion has been provided or  
9 attempted shall be preserved from public disclosure if she does not  
10 give her consent to such disclosure. The court, upon motion or sua  
11 sponte, shall make such a ruling and, upon determining that her  
12 anonymity should be preserved, shall issue orders to the parties,  
13 witnesses and counsel and shall direct the sealing of the record and  
14 exclusion of individuals from courtrooms or hearing rooms to the  
15 extent necessary to safeguard her identity from public disclosure.  
16 Each such order shall be accompanied by specific written findings  
17 explaining why the anonymity of the female should be preserved from  
18 public disclosure, why the order is essential to that end, how the  
19 order is narrowly tailored to serve that interest and why no  
20 reasonable less restrictive alternative exists. In the absence of  
21 written consent of the female to whom an abortion drug or drugs ~~has~~  
22 have been provided or attempted to be provided, anyone, other than a  
23 public official, who brings an action under subsection ~~D~~ H of this  
24 section shall do so under a pseudonym. This section may not be

1 construed to conceal the identity of the plaintiff or of witnesses  
2 from the defendant.

3 J. If any one or more provision, section, subsection, sentence,  
4 clause, phrase or word of ~~this act~~ Section 1-751 et seq. of this  
5 title or the application thereof to any person or circumstance is  
6 found to be unconstitutional, the same is hereby declared to be  
7 severable and the balance of ~~this act~~ Section 1-751 et seq. of this  
8 title shall remain effective notwithstanding such  
9 unconstitutionality. The Legislature hereby declares that it would  
10 have passed ~~this act~~ Section 1-751 et seq. of this title, and each  
11 provision, section, subsection, sentence, clause, phrase or word  
12 thereof, irrespective of the fact that any one or more provision,  
13 section, subsection, sentence, clause, phrase or word be declared  
14 unconstitutional.

15 SECTION 8. This act shall become effective November 1, 2022.

16 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
17 February 21, 2022 - DO PASS

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