

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 612

By: Dahm

AS INTRODUCED

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

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

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

A. As used in this section:

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

2. "Medical emergency" means a condition which cannot be remedied by delivery of the child in which an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness or physical injury including a

1 life-endangering physical condition caused by or arising from the
2 pregnancy itself.

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

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

11 3. This section does not:

- 12 a. authorize the charging or conviction of a woman with
13 any criminal offense in the death of her own unborn
14 child, or
- 15 b. prohibit the sale, use, prescription or administration
16 of a contraceptive measure, drug or chemical if the
17 contraceptive measure, drug or chemical is
18 administered before the time when a pregnancy could be
19 determined through conventional medical testing and if
20 the contraceptive measure, drug or chemical is sold,
21 used, prescribed or administered in accordance with
22 manufacturer instructions.

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

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

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