

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3216 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Kevin West \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3216

By: West (Kevin) of the House

and

Bullard of the Senate

7  
8  
9 FLOOR SUBSTITUTE

10 An Act relating to abortion; creating the Oklahoma  
11 Life is a Human Right Act; defining terms;  
12 prohibiting the prescription or selling of medication  
13 with the intent to cause an abortion; civil  
14 liability; providing for a certain procedure;  
15 providing for informed consent from parents or  
16 guardians for refusal of treatment; providing  
17 exception for accidental injury or death; providing  
18 for the use of contraceptives; defining certain  
19 conduct as unprofessional; requiring revocation of  
20 license or certificate; allowing certain civil  
21 action; authorizing Attorney General to bring  
22 enforcement actions; providing for the right to  
23 intervene; providing for severability; providing for  
24 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 1-758.1 of Title 63, unless  
there is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Oklahoma Life  
2 is a Human Right Act".

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-758.2 of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 As used in this section:

7 1. "Abortion" means the act of using or prescribing any  
8 instrument, medicine, drug, or any other substance, device, or means  
9 with the intent to terminate the clinically diagnosable pregnancy of  
10 a woman with knowledge that the termination by those means will,  
11 with reasonable likelihood, cause the death of the unborn child.  
12 Such use, prescription, or means is not an abortion if done with the  
13 intent to:

- 14 a. save the life or preserve the health of the unborn  
15 child,
- 16 b. remove a dead unborn child caused by miscarriage,
- 17 c. remove an ectopic pregnancy, or
- 18 d. perform a pre-viability separation procedure when such  
19 procedure is necessary to preserve the life of the  
20 pregnant woman;

21 2. "Born alive" means the complete expulsion or extraction from  
22 the pregnant woman of a human infant, at any stage of development,  
23 who, after such expulsion or extraction, breathes, has a beating  
24 heart, or has definite movement of voluntary muscles, regardless of

1 whether the umbilical cord has been cut and regardless of whether  
2 the expulsion or extraction occurs as a result of natural or induced  
3 labor, Cesarean section, pre-viability separation procedure, or  
4 other method;

5 3. "Conception" means the fusion of a human spermatozoon with a  
6 human ovum within the female body, the term does not include in  
7 vitro fertilization;

8 4. "Department" means the State Department of Health;

9 5. "Ectopic pregnancy" means the state of carrying an unborn  
10 child outside of the uterine cavity;

11 6. "Gestational age" or "probable gestation age" means the age  
12 of an unborn child as calculated from the first day of the last  
13 menstrual period of the pregnant woman;

14 7. "Health care provider" means any individual who may be asked  
15 to participate in any way in a health care service or procedure,  
16 including, but not limited to, the following: a physician,  
17 physician's assistant, nurse, nurse's aide, medical assistant,  
18 hospital employee, medical facility employee, or medical clinic  
19 employee;

20 8. "Miscarriage" means a spontaneous loss of embryo or fetal  
21 life;

22 9. "Necessary to preserve the life of a pregnant woman" means  
23 that, at any point in pregnancy, a pregnant woman's physician has  
24 determined to a reasonable degree of medical certainty or

1 probability that the continuation of the pregnancy will endanger the  
2 woman's life due to the pregnancy itself or due to a medical  
3 condition that the woman is either currently suffering or likely to  
4 suffer during the pregnancy. In making this determination, absolute  
5 certainty is not required; however, a mere possibility or  
6 speculation shall be insufficient;

7 10. "Physician" means a person licensed to practice medicine in  
8 Oklahoma;

9 11. "Pre-viability" means before that stage of fetal  
10 development when, in the reasonable medical judgment of the  
11 physician based on the particular facts of the case before him or  
12 her and in light of the most advanced medical technology and  
13 information available to him or her, there is a reasonable  
14 likelihood of sustained survival of the unborn child outside the  
15 body of his or her mother, with or without artificial support;

16 12. "Pregnant" and "pregnancy" means the human female  
17 reproductive condition of having a living unborn child within her  
18 body throughout every stage of the unborn child's life and  
19 development, from fertilization to full gestation and childbirth;

20 13. "Preventive contraception" means any drug, chemical,  
21 biological product, or device used with the intent to prevent  
22 pregnancy and that is used in accordance with manufacturer  
23 instructions;

24

1 14. "Unborn child" or "unborn human being" means an individual  
2 living member of the species Homo sapiens from conception to full  
3 gestation and childbirth;

4 15. "Separation procedure" means a medical procedure performed  
5 by a physician to remove an unborn child from his or her mother's  
6 uterus. The term does not include an abortion as defined by this  
7 act; and

8 16. "Woman" means any person whose biological sex is female  
9 based upon the person's genetics and reproductive anatomy.

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1-758.3 of Title 63, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. No person may knowingly administer to, prescribe for, or  
14 sell to any pregnant woman any medicine, drug, or other substance  
15 with the specific intent of causing or abetting an abortion.

16 B. No person may knowingly use or employ any instrument,  
17 device, means, or procedure upon a pregnant woman with the specific  
18 intent of causing or abetting an abortion.

19 SECTION 4. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-758.4 of Title 63, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. When performing a pre-viability separation procedure as  
23 permitted under this act, the physician shall make reasonable  
24 medical efforts under the circumstances to preserve both the life of

1 the pregnant woman and the life of her unborn child in a manner  
2 consistent with reasonable medical practice.

3 B. If the child is born alive following a pre-viability  
4 separation procedure, any health care provider present shall  
5 exercise the same degree of professional skill, care, and diligence  
6 to preserve the life and health of the child as a reasonably  
7 diligent and conscientious health care provider would render to any  
8 other child born alive at the same gestational age.

9 C. The requirements of this section shall not be construed to  
10 prevent a child's parents or guardian from refusing to give consent  
11 to medical treatment or surgical care which is not medically  
12 necessary or reasonable, including care or treatment which:

- 13 1. Is not necessary to save the life of the child;
- 14 2. Has a potential risk to the child's life or health that  
15 outweighs the potential benefit to the child with the treatment or  
16 care; or
- 17 3. Will do no more than temporarily prolong the act of dying  
18 when death is imminent.

19 SECTION 5. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-758.5 of Title 63, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. Medical treatment provided to the pregnant woman by a  
23 physician which results in the accidental or unintentional injury to  
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1 or the death of her unborn child is not a violation of Section 3 of  
2 this act.

3 B. Nothing in this act may be construed to prohibit the use,  
4 sale, prescription, or administration of a preventive contraceptive  
5 measure, drug, chemical, or device if the preventive contraceptive  
6 measure, drug, chemical, or device is used, sold, prescribed, or  
7 administered in accordance with manufacturer instructions.

8 SECTION 6. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1-758.6 of Title 63, unless  
10 there is created a duplication in numbering, reads as follows:

11 A. A physician who intentionally or knowingly violates the  
12 prohibition in Section 3 of this act commits an act of  
13 unprofessional conduct and his or her license to practice medicine  
14 in Oklahoma shall be suspended or revoked for a minimum of one (1)  
15 year pursuant to Title 435 of the Oklahoma Administrative Code.

16 B. In addition to whatever remedies are available under the  
17 common or statutory law of this state, failure to comply with the  
18 requirements of this act shall provide a basis for a civil  
19 malpractice action for actual and punitive damages.

20 C. No civil penalty may be assessed against a pregnant woman.

21 SECTION 7. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-758.7 of Title 63, unless  
23 there is created a duplication in numbering, reads as follows:

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1 The Oklahoma Attorney General shall have authority to bring an  
2 action in law or equity to enforce the provisions of this act on  
3 behalf of the State Commissioner of Health.

4 SECTION 8. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1-758.8 of Title 63, unless  
6 there is created a duplication in numbering, reads as follows:

7 The Speaker of the Oklahoma House of Representatives may appoint  
8 one or more of its members to intervene as a matter of right in any  
9 case in which the constitutionality or enforceability of this act is  
10 challenged pursuant to Section 2024 of Title 12 of the Oklahoma  
11 Statutes.

12 SECTION 9. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-758.9 of Title 63, unless  
14 there is created a duplication in numbering, reads as follows:

15 It is the intent of the Oklahoma Legislature that every  
16 provision of this act shall operate with equal force and shall be  
17 severable one from the other and that, in the event that any  
18 provision of this act shall be held invalid or unenforceable by a  
19 court of competent jurisdiction, said provision shall be deemed  
20 severable and the remaining provisions of this act deemed fully  
21 enforceable.

22 SECTION 10. This act shall become effective November 1, 2024.  
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