

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1798

By: Dahm

AS INTRODUCED

An Act relating to abortion; amending Section 1, Chapter 11, O.S.L. 2022 (63 O.S. Supp. 2023, Section 1-731.4), which relates to prohibition of abortion; updating statutory reference; deeming certain abortions unnecessary; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 11, O.S.L. 2022 (63 O.S. Supp. 2023, Section 1-731.4), is amended to read as follows:

Section 1-731.4. 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~~ this title; 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. An
6 abortion shall not be deemed necessary to preserve the life of the
7 pregnant woman if it is based on a psychological or emotional
8 condition or a claim, diagnosis, or determination that the woman may
9 engage in conduct which she intends to result in her death.

10 ~~2.~~ C. 1. A person convicted of performing or attempting to
11 perform an abortion shall be guilty of a felony punishable by a fine
12 not to exceed One Hundred Thousand Dollars (\$100,000.00), or by
13 confinement in the custody of the Department of Corrections for a
14 term not to exceed ten (10) years, or by such fine and imprisonment.

15 ~~3.~~ 2. This section does not:

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

1 used, prescribed or administered in accordance with
2 manufacturer instructions.

3 ~~4.~~ 3. It is an affirmative defense to prosecution under this
4 section if a licensed physician provides medical treatment to a
5 pregnant woman which results in the accidental or unintentional
6 injury or death to the unborn child.

7 SECTION 2. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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