

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1008

By: Olsen

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; modifying definitions; modifying provisions related to abortion; prescribing standard based upon preservation of the life of a pregnant woman; 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:

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~~ unless necessary to preserve the life of a pregnant woman ~~in~~  
6 ~~a medical emergency.~~ The person performing or attempting to perform  
7 an abortion shall prioritize preserving both the life of the  
8 pregnant woman and the life of the baby, if however, the person  
9 judges the birth of the baby to be a threat to the life of the  
10 pregnant woman, then an abortion may be performed to preserve the  
11 life of the pregnant woman.

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

17 3. This section does not:

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

1           determined through conventional medical testing and if  
2           the contraceptive measure, drug or chemical is sold,  
3           used, prescribed or administered in accordance with  
4           manufacturer instructions.

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

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

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