

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1724

By: Jenkins

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5
6 AS INTRODUCED

7 An Act relating to abortion pills; creating the
8 Prevention of Maternal Harm Act of 2025;
9 criminalizing coerced abortion; providing for
10 imprisonment; providing fines; amending 63 O.S. 2021,
11 Section 2-210, which relates to Schedule IV; adding
12 mifepristone and misoprostol; providing for
13 codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-760 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Prevention of
19 Maternal Harm Act of 2025".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-760.1 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 A. Coerced criminal abortion by means of fraud is committed
24 when a person knowingly and intentionally engages in the use of an

1 abortion-inducing drug on a pregnant woman, without her knowledge or
2 consent, with the intent to cause an abortion.

3 B. 1. Except as provided in paragraph 2 of this subsection,
4 whoever commits the crime of coerced criminal abortion by means of
5 fraud shall be imprisoned for not less than five (5) years nor more
6 than ten (10) years, fined not less than Ten Thousand Dollars
7 (\$10,000.00) nor more than Seventy-five Thousand Dollars
8 (\$75,000.00), or both such fine and imprisonment.

9 2. Whoever commits the crime of coerced criminal abortion by
10 means of fraud when the unborn child is more than three (3) months
11 of gestational age shall be imprisoned for not less than ten (10)
12 years nor more than twenty (20) years, fined not less than Fifty
13 Thousand Dollars (\$50,000.00) nor more than One Hundred Thousand
14 Dollars (\$100,000.00), or both such fine and imprisonment.

15 C. The prosecution of a person pursuant to this section shall
16 not be a defense against the prosecution under any other provision
17 of law, including murder or attempted murder, should the person
18 commit the crime of coerced criminal abortion by means of fraud and
19 the use of an abortion-inducing drug results in the death or serious
20 bodily injury of the pregnant woman.

21 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-210, is
22 amended to read as follows:

23 Section 2-210. A. Any material, compound, mixture, or
24 preparation which contains any quantity of the following substances

1 having a potential for abuse associated with a stimulant or
2 depressant effect on the central nervous system:

- 3 1. Chloral betaine;
- 4 2. Chloral hydrate;
- 5 3. Ethchlorvynol;
- 6 4. Ethinamate;
- 7 5. Meprobamate;
- 8 6. Paraldehyde;
- 9 7. Petrichloral;
- 10 8. Diethylpropion;
- 11 9. Phentermine;
- 12 10. Pemoline;
- 13 11. Chlordiazepoxide;
- 14 12. Chlordiazepoxide and its salts, but not including
15 chlordiazepoxide hydrochloride and clidinium bromide or
16 chlordiazepoxide and water-soluble esterified estrogens;
- 17 13. Diazepam;
- 18 14. Oxazepam;
- 19 15. Clorazepate;
- 20 16. Flurazepam and its salts;
- 21 17. Clonazepam;
- 22 18. Barbital;
- 23 19. Mebutamate;
- 24 20. Methohexital;

- 1 21. Methylphenobarbital;
- 2 22. Phenobarbital;
- 3 23. Fenfluramine;
- 4 24. Pentazocine;
- 5 25. Propoxyphene;
- 6 26. Butorphanol;
- 7 27. Alprazolam;
- 8 28. Halazepam;
- 9 29. Lorazepam;
- 10 30. Prazepam;
- 11 31. Temazepam;
- 12 32. Triazolam;
- 13 33. Carisoprodol;
- 14 34. Dichloralphenazone;
- 15 35. Estazolam;
- 16 36. Eszopiclone;
- 17 37. Midazolam;
- 18 38. Modafinil;
- 19 39. Zaleplon;
- 20 40. Zolpidem;
- 21 41. Tramadol;
- 22 42. Bromazepam;
- 23 43. Suvorexant;
- 24 44. Phenazepam;

1 45. Etizolam; ~~or~~

2 46. Clonazolam;

3 47. Mifepristone; or

4 48. Misoprostol.

5 B. 1. The following nonnarcotic substances, which may, under
6 the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301),
7 be lawfully sold over the counter without a prescription, are
8 excluded from all schedules of controlled substances under this
9 title:

- 10 a. Breathe-Aid,
- 11 b. BronCare,
- 12 c. Bronchial Congestion,
- 13 d. Bronkaid Tablets,
- 14 e. Bronkaid Dual Action Caplets,
- 15 f. Bronkotabs,
- 16 g. Bronkolixir,
- 17 h. NeoRespin,
- 18 i. Pazo Hemorrhoid Ointment and Suppositories,
- 19 j. Primatene Tablets,
- 20 k. Primatene "Dual Action" Formula,
- 21 l. Quelidrine,
- 22 m. Resp, and
- 23 n. Vatronal Nose Drops.

1 2. At the request of any person, the Director may exempt any
2 other drug product containing ephedrine from being included as a
3 Schedule IV controlled substance if such product:

- 4 a. is labeled and marketed in a manner consistent with
5 the pertinent OTC tentative final or final monograph
6 issued by the FDA, and
- 7 b. is manufactured and distributed for legitimate
8 medicinal use and in a manner that reduces or
9 eliminates the likelihood of abuse.

10 3. In making a determination regarding a drug product, the
11 Director, after notice and hearing, shall consider the following:

- 12 a. the history and current pattern of abuse,
- 13 b. the name and labeling of the product,
- 14 c. the intended manner of distribution, advertising and
15 promotion of the product, and
- 16 d. other factors as may be relevant to and consistent
17 with the public health and safety.

18 4. The hearing shall be held in accordance with the
19 Administrative Procedures Act.

20 5. A list of current drug products meeting exemption
21 requirements under this subsection may be obtained from the Bureau
22 upon written request.

23 C. The Board of Pharmacy may except by rule any compound,
24 mixture, or preparation containing any depressant substance listed

1 in subsection A of this section from the application of all or any
2 part of the Uniform Controlled Dangerous Substances Act, Section 2-
3 101 et seq. of this title, if the compound, mixture, or preparation
4 contains one or more active medicinal ingredients not having a
5 depressant effect on the central nervous system, and if the
6 admixtures are included therein in combinations, quantity,
7 proportion, or concentration that vitiate the potential for abuse of
8 the substances which have a depressant effect on the central nervous
9 system.

10 SECTION 4. This act shall become effective November 1, 2025.

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