

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1537

6 By: Olsen

7 COMMITTEE SUBSTITUTE

8 An Act relating to abortion; amending Section 1,  
9 Chapter 11, O.S.L. 2022 (63 O.S. Supp. 2023, Section  
10 1-731.4), which relates to prohibition of abortions;  
11 modifying definitions; modifying provisions related  
12 to abortion; prescribing standard based upon  
13 preservation of the life of a pregnant woman; and  
14 declaring an emergency.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 11, O.S.L. 2022  
17 (63 O.S. Supp. 2023, Section 1-731.4), is amended to read as  
18 follows:

19 Section 1-731.4 A. ~~As used in this section:~~

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

23 ~~2. "Medical emergency" means a condition which cannot be~~  
24 ~~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~~

1 ~~a physical disorder, physical illness or physical injury including a~~  
2 ~~life endangering physical condition caused by or arising from the~~  
3 ~~pregnancy itself.~~

4 B. 1. Notwithstanding any other provision of law, a person  
5 shall not purposely perform or attempt to perform an abortion ~~except~~  
6 ~~to save~~ unless necessary to preserve the life of a pregnant woman ~~in~~  
7 ~~a medical emergency.~~ The person performing or attempting to perform  
8 an abortion shall prioritize preserving both the life of the  
9 pregnant woman and the life of the baby, if however, the person  
10 judges the birth of the baby to be a threat to the life of the  
11 pregnant woman, then an abortion may be performed to preserve the  
12 life of the pregnant woman.

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

18 3. This section does not:

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

1 administered before the time when a pregnancy could be  
2 determined through conventional medical testing and if  
3 the contraceptive measure, drug or chemical is sold,  
4 used, prescribed or administered in accordance with  
5 manufacturer instructions.

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

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

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15 59-2-10402 TJ 02/22/24  
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