

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1703

By: Calvey and Bennett (John)

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to public health and safety; creating  
10                   the Choosing Childbirth Act; defining certain terms;  
11                   requiring State Department of Health to make grants  
12                   to certain entities; providing eligibility for  
13                   organizations to receive grants; requiring Department  
14                   to make certain grants as funds become available from  
15                   appropriations; requiring Department to annually  
16                   monitor and review each grantee; providing for  
17                   inseverability; providing for codification; and  
18                   providing an effective date.

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

20                   SECTION 1.           NEW LAW           A new section of law to be codified  
21                   in the Oklahoma Statutes as Section 1-740.15 of Title 63, unless  
22                   there is created a duplication in numbering, reads as follows:

23                   This act shall be known and may be cited as the "Choosing  
24                   Childbirth Act".

25                   SECTION 2.           NEW LAW           A new section of law to be codified  
26                   in the Oklahoma Statutes as Section 1-740.16 of Title 63, unless  
27                   there is created a duplication in numbering, reads as follows:

1 As used in the Choosing Childbirth Act:

2 1. "Abortion" means the use or prescription of any instrument,  
3 medicine, drug or any other substance or device to intentionally:

4 a. kill the unborn child of a woman known to be pregnant,  
5 or

6 b. terminate the pregnancy of a woman known to be  
7 pregnant, with an intention other than:

8 (1) after viability of the unborn child, to produce a  
9 live birth and preserve the life and health of  
10 the child born alive, or

11 (2) to remove a dead unborn child;

12 2. "Unborn child" means an individual organism of the species  
13 Homo sapiens from fertilization until birth; and

14 3. "Grant-supervising entity" means a private entity which  
15 approves all grants provided under the Choosing Childbirth Act and  
16 which:

17 a. is organized as a not-for-profit corporation in  
18 Oklahoma and as a 501(c)3 entity under the federal  
19 Internal Revenue Code, and

20 b. does not encourage or counsel any woman to have an  
21 abortion not necessary to prevent her death, to  
22 provide her such an abortion or to refer her for such  
23 an abortion, and does not accept funds or services  
24

1 knowingly from any entity which performs abortions or  
2 receives money for abortions.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-740.17 of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. The State Department of Health shall make grants to a grant-  
7 supervising entity for the purpose of reimbursing private  
8 organizations in Oklahoma for the reasonable expenses of programs  
9 providing the following services:

10 1. Providing information on, referral to, and assistance in  
11 securing the services of relevant existing programs or agencies that  
12 assist women in Oklahoma to carry their children to term, and/or  
13 providing services that assist women to carry their children to  
14 term, including, but not limited to, agencies and programs that will  
15 provide medical attention for the pregnant woman for the duration of  
16 her pregnancy, nutritional support services, housing assistance,  
17 adoption services, education and employment assistance and parenting  
18 education and support services; and

19 2. Providing women in Oklahoma, in person and through community  
20 outreach, information and/or services that encourage and assist them  
21 to carry their children to term.

22 B. To be eligible for a service grant, an organization shall:

23 1. Be registered with the Oklahoma Secretary of State as a not-  
24 for-profit corporation located in Oklahoma;

1        2. Have the grant amount approved by a grant-supervising  
2 entity;

3        3. Provide each pregnant woman counseled with accurate  
4 information on the developmental characteristics of unborn children,  
5 including offering the printed information described in Section 1-  
6 738.3 of Title 63 of the Oklahoma Statutes;

7        4. Assure that the grant's sole purposes are to assist and  
8 encourage women to carry their children to term and to maximize  
9 their potentials thereafter; and

10       5. Assure that none of the funds provided pursuant to the  
11 Choosing Childbirth Act, nor any other funds or services provided by  
12 the organization, are used to encourage or counsel a woman to have  
13 an abortion not necessary to prevent her death, to provide her such  
14 an abortion or to refer her for such an abortion.

15       SECTION 4.        NEW LAW        A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-740.18 of Title 63, unless  
17 there is created a duplication in numbering, reads as follows:

18       The State Department of Health shall make grants to a grant-  
19 supervising entity under the Choosing Childbirth Act as funds become  
20 available from appropriations. The State Department of Health shall  
21 annually monitor and review the grant-supervising entity to assure  
22 that the grant-supervising entity carefully adheres to the purposes  
23 and requirements of the Choosing Childbirth Act, and it shall cease  
24 funding a grant-supervising entity that fails to do so if the

1 Department proves specific findings of noncompliance, subject to  
2 judicial review.

3 SECTION 5. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-740.19 of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 If any provision, word, phrase or clause of the Choosing  
7 Childbirth Act or the application thereof to any person or  
8 circumstance is held invalid, such invalidity shall make the entire  
9 Act invalid and to this end, the provisions, works, phrases and  
10 clauses of the Choosing Childbirth Act are declared to be  
11 inseverable.

12 SECTION 6. This act shall become effective November 1, 2017.

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14 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT OVERSIGHT AND  
15 ACCOUNTABILITY, dated 03/02/2017 - DO PASS, As Amended and  
16 Coauthored.

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