

1 **SENATE FLOOR VERSION**

2 April 12, 2017

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 1703

6 By: Calvey and Bennett (John)  
7 of the House

8 and

9 Treat and Marlatt of the  
10 Senate

11 **[ public health and safety - Choosing Childbirth Act**  
12 **- codification - effective date ]**

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

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

17 This act shall be known and may be cited as the "Choosing  
18 Childbirth Act".

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

22 As used in the Choosing Childbirth Act:

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

1 a. kill the unborn child of a woman known to be pregnant,  
2 or

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

5 (1) after viability of the unborn child, to produce a  
6 live birth and preserve the life and health of  
7 the child born alive, or

8 (2) to remove a dead unborn child;

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

11 3. "Grant-supervising entity" means a private entity which  
12 approves all grants provided under the Choosing Childbirth Act and  
13 which:

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

17 b. does not encourage or counsel any woman to have an  
18 abortion not necessary to prevent her death, to  
19 provide her such an abortion or to refer her for such  
20 an abortion, and does not accept funds or services  
21 knowingly from any entity which performs abortions or  
22 receives money for abortions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
12 April 12, 2017 - DO PASS AS AMENDED  
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