

# An Act

ENROLLED HOUSE  
BILL NO. 1703

By: Calvey, Bennett (John) and  
Faught of the House

and

Treat and Marlatt of the  
Senate

An Act relating to public health and safety; creating the Choosing Childbirth Act; defining certain terms; requiring State Department of Health to make grants to certain entities under certain conditions; specifying services for which reimbursement may be provided; providing eligibility for organizations to receive grants; requiring Department to make certain grants under certain conditions; requiring Department to annually monitor and review each grantee; providing for inseverability; providing for codification; and providing an effective date.

SUBJECT: Choosing Childbirth Act

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

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

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

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

As used in the Choosing Childbirth Act:

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

- a. kill the unborn child of a woman known to be pregnant, or
- b. terminate the pregnancy of a woman known to be pregnant, with an intention other than:
  - (1) after viability of the unborn child, to produce a live birth and preserve the life and health of the child born alive, or
  - (2) to remove a dead unborn child;

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

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

- a. is organized as a not-for-profit corporation in Oklahoma and as a 501(c)3 entity under the federal Internal Revenue Code, and
- b. does not encourage or counsel any woman to have an abortion not necessary to prevent her death, to provide her such an abortion or to refer her for such an abortion, and does not accept funds or services knowingly from any entity which performs abortions or receives money for abortions.

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

A. The State Department of Health shall make grants, from funds appropriated by the Legislature specifically for this purpose, to a grant-supervising entity for the purpose of reimbursing private organizations in Oklahoma for the reasonable expenses of programs providing the following services:

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

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

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

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

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

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

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

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

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

The State Department of Health shall make grants to a grant-supervising entity under the Choosing Childbirth Act from funds appropriated by the Legislature specifically for this purpose. The State Department of Health shall annually monitor and review the

grant-supervising entity to assure that the grant-supervising entity carefully adheres to the purposes and requirements of the Choosing Childbirth Act, and it shall cease funding a grant-supervising entity that fails to do so if the Department proves specific findings of noncompliance, subject to judicial review.

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

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

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

Passed the House of Representatives the 11th day of May, 2017.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 27th day of April, 2017.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_