

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2797

By: Coody (Ann), Billy and
Peterson

4
5
6 AS INTRODUCED

7 An Act relating to schools; creating the Humanity of
8 the Unborn Child Act; affirming public policy of the
9 state; creating certain revolving fund; requiring
10 funds to be expended by State Board of Education for
11 certain purpose; requiring State Department of
12 Education to operate certain program to educate
13 public and students in certain grades; requiring
14 Department to develop certain programs that contain
15 certain criteria; requiring medical providers and
16 hospitals to inform pregnant patient of certain
17 programs; requiring public schools operating at grade
18 nine to provide certain instruction; requiring public
19 schools to inform parent prior to presentation of
20 certain instruction; providing for codification;
21 providing for noncodification; and providing an
22 effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 11-112 of Title 70, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Humanity of the
Unborn Child Act".

SECTION 2. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

1 Pursuant to the United States Supreme Court Case *Maier v. Roe*,
2 which held that the U.S. Constitution imposes "no limitation on the
3 authority of a state to make a value judgment favoring childbirth
4 over abortion, and to implement that judgment by the allocation of
5 public funds", 432 U.S. 464, 474 (1977), the Legislature hereby
6 affirms that it is the public policy of the State of Oklahoma to
7 make a value judgment favoring childbirth over abortion, and to
8 implement that judgment by the allocation of public funds.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 11-112.1 of Title 70, unless
11 there is created a duplication in numbering, reads as follows:

12 There is hereby created in the State Treasury a revolving fund
13 for the State Board of Education to be designated as the "Public
14 Education on the Humanity of the Unborn Child Fund". The fund shall
15 be a continuing fund, not subject to fiscal year limitations, and
16 shall consist of all monies deposited to the credit of the fund by
17 law. All monies accruing to the credit of said fund shall be
18 budgeted and expended by the Board for the establishment of the
19 public information programs established in Section 4 of this act.
20 Expenditures from said fund shall be made upon warrants issued by
21 the State Treasurer against claims filed as prescribed by law with
22 the Director of the Office of Management and Enterprise Services for
23 approval and payment.

24

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 11-112.2 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Contingent on the provision of appropriated funds or
5 revolving funds designated for the State Board of Education for such
6 purpose, the State Department of Education shall establish, operate
7 and maintain a public information program or programs for the
8 purpose of educating the public about the humanity of a child in
9 utero. The fund shall not be available to any organization or
10 affiliate of an organization which provides or promotes abortions or
11 refers for abortion. Expenditures shall be drawn from the Public
12 Education on the Humanity of the Unborn Child Fund.

13 B. The Department shall establish, operate and maintain a
14 program to educate students in grades nine through twelve about the
15 humanity of a child in utero. The Department shall conduct the
16 programs and activities in paragraphs 1 through 10 of this
17 subsection to the extent possible pursuant to the funds appropriated
18 for the program, and may utilize information from the State
19 Department of Health and the State Board of Medical Licensure and
20 Supervision which complies with the purposes of the Humanity of the
21 Unborn Child Act. The Department shall:

22 1. Develop and make available materials designed to provide
23 accurate, scientifically verifiable information concerning the
24 probable anatomical and physiological characteristics of the unborn

1 child at two-week gestational intervals. The Department may utilize
2 as a resource the material created pursuant to Section 1-738.2 of
3 Title 63 of the Oklahoma Statutes and as located on the website,
4 *www.awomansright.org*;

5 2. Develop, update annually and maintain information concerning
6 public and private agencies and services available to assist a woman
7 through pregnancy, upon childbirth and while the child is dependent,
8 which shall include a comprehensive list of the agencies available,
9 including adoption agencies, a description of the services they
10 offer and a description of the manner, including telephone numbers
11 and email addresses, by which they might be contacted. The
12 Department shall index this information geographically and shall
13 make it readily accessible on the Department's website. The website
14 shall include the following statement:

15 "There are many public and private agencies willing and able to
16 help you to carry your child to term and to assist you and your
17 child after your child is born, whether you choose to keep your
18 child or to place him or her for adoption. The State of
19 Oklahoma strongly urges you to contact them if you are
20 pregnant.";

21 3. Develop and distribute educational and informational
22 materials, including audiovisual materials, to provide public
23 information through public service announcements, media and
24 otherwise for the purpose of achieving an abortion-free society.

1 Such materials shall be developed from the most readily available,
2 accurate and up-to-date information and shall clearly and
3 consistently teach that abortion kills a living human being and is
4 against public policy;

5 4. Develop and conduct training programs concerning unborn
6 child humanity education and abortion prevention for teachers,
7 counselors, other educational personnel, parents, public service
8 personnel and community leaders;

9 5. Provide technical assistance to help community-based
10 organizations in the planning and implementation of abortion
11 prevention, alternatives to abortion referral and unborn child
12 humanity education programs;

13 6. Provide outreach, consultation, training and alternatives to
14 abortion referral services to schools, organizations and members of
15 the community;

16 7. Develop, identify, publicize the availability of and widely
17 disseminate the most readily available, accurate and up-to-date
18 secondary school unborn child humanity education and abortion
19 prevention curricula and materials, including audiovisual materials
20 which clearly and consistently teach that abortion is against public
21 policy;

22 8. Facilitate the use of appropriate means of communicating to
23 students about the humanity of the unborn child, especially
24

1 involving the participation of entertainment personalities and
2 athletes who are recognizable role models for many young people;

3 9. Develop and distribute educational and informational
4 material concerning maternal behavior during pregnancy which is
5 helpful to a human child in utero, including avoidance of tobacco,
6 alcohol and other drugs; proper nutrition and prenatal vitamins; and
7 utilization of and resources available for prenatal medical and
8 wellness care; and

9 10. Other programs of unborn child humanity education and
10 abortion prevention consistent with the purposes of the Humanity of
11 the Unborn Child Act.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 11-112.3 of Title 70, unless
14 there is created a duplication in numbering, reads as follows:

15 A. Each medical provider licensed in this state and each
16 hospital licensed in this state shall inform each pregnant patient
17 under the care of the physician or hospital, not later than five (5)
18 days from the determination that the patient is pregnant, of the
19 public information programs developed pursuant to Section 4 of this
20 act.

21 B. Contingent on the provision of appropriated funds or
22 revolving funds designated for the Public Education on the Humanity
23 of the Unborn Child Fund, each public school operating at grade
24 level nine in Oklahoma shall provide a unit of instruction during

1 regular school hours containing the information developed in Section
2 4 of this act. Each school shall inform at least one parent of each
3 student at least one week prior to the commencement of such unit of
4 instruction that the parent has the right to remove the student from
5 the classroom in which the unit of instruction is being presented.

6 SECTION 6. This act shall become effective November 1, 2016.

7

8 55-2-8620 AM 01/20/16

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24