

An Act

ENROLLED SENATE
BILL NO. 538

By: Treat and Bullard of the
Senate

and

Echols, Lepak, and Wolfley
of the House

An Act relating to childbirth; amending 63 O.S. 2021, Section 1-740.16, which relates to definitions used in the Choosing Childbirth Act; modifying definition; amending 63 O.S. 2021, Section 1-740.17, which relates to grants to private organizations for services; modifying grantmaking authority of the State Department of Health; describing methods of making grants and approving grant amounts; stipulating additional reimbursable services; extending time period of certain services; adding and updating statutory references; amending 63 O.S. 2021, Section 1-740.18, which relates to grant compliance and monitoring; conforming language; updating statutory language; providing an effective date; and declaring an emergency.

SUBJECT: Childbirth

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-740.16, is amended to read as follows:

Section 1-740.16. 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 made under the Choosing Childbirth Act that are not directly made to private organizations by the State Department of Health for reimbursement of services 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 2. AMENDATORY 63 O.S. 2021, Section 1-740.17, is amended to read as follows:

Section 1-740.17. A. The State Department of Health shall make grants, as directed in subsection B of this section, from funds appropriated by the Legislature ~~specifically for this purpose, to a grant-supervising entity for the purpose of reimbursing for the~~ Choosing Childbirth Act.

B. The purpose of the grants shall be to reimburse private organizations in ~~Oklahoma~~ this state for the reasonable expenses of programs providing the ~~following services~~; listed in subsection C of this section. The Department shall make grants both directly to the private organizations and to one or more grant-supervising entities, who shall reimburse the private organizations.

C. Reimbursable services provided under the Choosing Childbirth Act shall include:

1. Providing information on, referral to and assistance in securing the services of relevant existing programs or agencies that assist women in ~~Oklahoma~~ this state 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:

- a. medical attention for the pregnant woman for the duration of her pregnancy including, but not limited to, obstetric ultrasounds,
- b. mental health and substance abuse services,
- c. nutritional support services,
- d. housing assistance,
- e. transportation assistance,
- f. adoption services,
- g. education and employment assistance, and
- h. parenting education and support services;

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

3. Providing services including, but not limited to, healthcare health care services to mothers and infants up to three (3) years

postpartum for the purpose of reducing the rates of maternal mortality and infant mortality in this state by three percent (3%) ~~within five (5) years of the effective date of this act~~ not later than July 1, 2026; provided, however, no funds shall be provided to an organization that provides, or whose affiliates provide, abortion services.

~~B.~~ D. 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~~ this state;

2. Have the grant amount approved by ~~a~~ a:

a. the grant-supervising entity, if the grant was provided to the private organization by a grant-supervising entity, or

b. the Department, if the grant was provided directly to the private organization by the Department;

3. For services described in paragraphs 1 and 2 of subsection ~~A~~ C of this section, 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~~ this title;

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 as provided in paragraphs 1 and 2 of subsection C of this section or to reduce the rates of maternal mortality and infant mortality in this state as provided in paragraph 3 of subsection ~~A~~ C of this section; 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 3. AMENDATORY 63 O.S. 2021, Section 1-740.18, is amended to read as follows:

Section 1-740.18. 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 any grant-supervising entity participating in the Choosing Childbirth Act and any private organization directly receiving a service grant from the Department to ~~assure~~ ensure that the grant-supervising entity or private organization carefully adheres to the purposes and requirements of the Choosing Childbirth Act, ~~and it.~~ The Department shall cease funding a grant-supervising entity or private organization that fails to do so adhere to such purposes and requirements if the Department proves specific findings of noncompliance, subject to judicial review.

SECTION 4. This act shall become effective July 1, 2024.

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 29th day of May, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2024.

Presiding Officer of the House
of Representatives

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: _____