

# An Act

ENROLLED SENATE  
BILL NO. 960

By: Treat and Hamilton of the  
Senate

and

McCall and Conley of the  
House

An Act relating to maternal and child health; amending 10A O.S. 2011, Section 1-2-109, which relates to relinquishment of child to medical services provider or child rescuer; expanding certain allowed time period; providing for delivery of child by newborn safety device; specifying requirements of newborn safety device; amending 21 O.S. 2011, Section 851, which relates to desertion of children; providing certain affirmative defense to prosecution; amending Section 3, Chapter 308, O.S.L. 2017 (63 O.S. Supp. 2020, Section 1-740.17), which relates to grants to private organizations for services; broadening allowed purposes of grants; excluding certain organizations; providing an effective date; and declaring an emergency.

SUBJECT: Maternal and child health

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-2-109, is amended to read as follows:

Section 1-2-109. A. A parent subject to the provisions of this act shall not be prosecuted for child abandonment or child neglect

under the provisions of any statute which makes child abandonment or child neglect a crime, when the allegations of child abandonment or child neglect are based solely on the relinquishment of a child ~~seven (7)~~ thirty (30) days of age or younger to a medical services provider or a child rescuer as defined in this section.

B. The following entities shall, without a court order, take possession of a child ~~seven (7)~~ thirty (30) days of age or younger if the child is voluntarily delivered to the entity by the parent of the child and the parent did not express an intent to return for the child:

1. A medical services provider; or
2. A child rescuer.

C. Delivery of the child may be effectuated by an in-person transfer of the child to the medical services provider or child rescuer or by leaving the child in a newborn safety device that is:

1. Voluntarily installed by the medical services provider or child rescuer;

2. Physically located inside a police station, fire station, child protective services agency, hospital or other medical facility; and

3. Located in an area that is conspicuous and visible to the employees of the police station, fire station, child protective services agency, hospital or other medical facility.

D. A medical services provider or child rescuer that installs a newborn safety device shall:

1. Be responsible for the cost of the installation; and

2. Install an adequate dual alarm system connected to the physical location of the newborn safety device that is:

- a. tested at least one time per week to ensure the alarm system is in working order, and

b. visually checked at least two times per day to ensure the alarm system is in working order.

E. Any entity identified in subsection B of this section to which a parent seeks to relinquish a child pursuant to the provisions of this section may:

1. Request, but not demand, any information about the child that the parent is willing to share. The entity is encouraged to ask about, but not demand, the details of any relevant medical history relating to the child or the parents of the child. The entity shall respect the wish of the parent if the parent desires to remain anonymous; and

2. Provide the parent with printed information relating to the rights of the parents, including both parents, with respect to reunification with the child and sources of counseling for the parents, if desired.

~~D.~~ F. Once a child has been relinquished to any entity identified in subsection B of this section, the entity receiving the child shall:

1. Perform or provide for the performance of any act necessary to protect the physical health or safety of the child; and

2. Notify the local office of the Department that a parent of a child ~~seven (7)~~ thirty (30) days of age or younger, in the best judgment of the receiving entity, has relinquished such child and that the entity has taken possession of the child.

~~E.~~ G. Upon being made aware that a medical services provider or child rescuer has possession of a child under the provisions of this ~~act~~ section, the Department of Human Services shall immediately check with law enforcement authorities to determine if a child has been reported missing and whether the missing child could be the relinquished child.

~~F.~~ H. The Department shall design and disseminate:

1. A simplified form for the recording of medical or other information that a relinquishing parent wishes to share with the entity to whom the child is being relinquished;

2. Easily understood printed materials that give information about parents' rights with regard to reunification with a child including, but not limited to, information on how a parent can contact the appropriate entity regarding reunification, and information on sources of counseling for relinquishing parents; and

3. Media information, including printed material, that creates public awareness about the provisions of this act.

~~G.~~ I. For purposes of this section:

1. "Medical services provider" means a person authorized to practice the healing arts, including a physician's assistant or nurse practitioner, a registered or practical nurse and a nurse aide; and

2. "Child rescuer" means any employee or other designated person on duty at a police station, fire station, child protective services agency, hospital, or other medical facility.

~~H.~~ J. A medical services provider or child rescuer with responsibility for performing duties pursuant to this section shall be immune from any criminal liability that might otherwise result from the actions of the entity, if acting in good faith in receiving a relinquished child. In addition, such medical provider or child rescuer shall be immune from any civil liability that might otherwise result from merely receiving a relinquished child.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 851, is amended to read as follows:

Section 851. A. Any parent of any child or children under the age of ten (10) years, and every person to whom such child or children have been confided for nurture or education, who deserts such child or children within ~~the State of Oklahoma~~ this state, or takes such child or children without ~~the State of Oklahoma~~ this state, with the intent wholly to abandon it shall be deemed guilty of a felony and, upon conviction thereof shall be punished by

imprisonment in the State Penitentiary for any period of time not less than one (1) year nor more than ten (10) years.

B. It is an affirmative defense to a prosecution under this section that a parent voluntarily delivered a child under the age of thirty (30) days to and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical services provider or child rescuer as provided in Section 1-2-109 of Title 10A of the Oklahoma Statutes.

SECTION 3. AMENDATORY Section 3, Chapter 308, O.S.L. 2017 (63 O.S. Supp. 2020, Section 1-740.17), is amended to read as follows:

Section 1-740.17. 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~~7~~ 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~~7~~ 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; and

3. Providing services including, but not limited to, healthcare services to mothers and infants 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; provided, however, no funds shall be provided to an organization that provides, or whose affiliates provide, abortion services.

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 For services described in paragraphs 1 and 2 of subsection A 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;

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 or to reduce the rates of maternal mortality and infant mortality in this state as provided in paragraph 3 of subsection A 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 4. This act shall become effective July 1, 2021.

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 10th day of March, 2021.

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

Passed the House of Representatives the 21st day of April, 2021.

\_\_\_\_\_  
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: \_\_\_\_\_