SENATE BILL NO. 538
By: Treat

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,
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 either:

1. Directly to the private organizations;
2. To one or more grant-supervising entities, who shall reimburse the private organizations; or
3. 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 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 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. 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:
   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
   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 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 grant-supervising entity participating in the Choosing Childbirth Act and any private organization directly receiving a service grant from the Department to 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, 2023.

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.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES February 23, 2023 - DO PASS