

MESSAGE
FROM THE
HOUSE OF REPRESENTATIVES

4/27/2010

THE HONORABLE
SECRETARY OF STATE

Sirs:

By order of the House of Representatives of the State of Oklahoma, this
Message is sent:

Transmitting herewith enrolled HB 2656 and advising that under the provisions
of Article V, Section 58, of the Constitution of the State of Oklahoma, the
House of Representatives and the Senate have reconsidered and passed said
bill, over the Governor's veto, by a three-fourths vote of each House.

Respectfully,

JOEL G. KINTSEL

Chief Clerk

f

14:59:00
HM50-7

Received by Paul Ziriak
Secretary of State Senate

Date: _____

By: _____

RECEIVED

APR 27 2010

OKLAHOMA SECRETARY
OF STATE

3:10 pm KES



OFFICE OF

No. HB 2656

THE GOVERNOR
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA., April 22, 2010

TIME SIGNED: 4:56pm

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE HOUSE OF REPRESENTATIVES
SECOND SESSION OF THE
FIFTY SECOND OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 2656:

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill 2656. This legislation is potentially detrimental to all pregnant women and their families. By prohibiting recovery of damages in wrongful birth and life malpractice actions, the legislation would allow unscrupulous, reckless or negligent physicians to knowingly withhold information or negligently provide inaccurate information to pregnant women without facing the potential of legal consequences. At the very least, pregnant women and their families should expect to receive accurate, comprehensive information from their doctor so they can make appropriate medical decisions. It is unconscionable to grant a physician legal protection to mislead or misinform a pregnant woman in an effort to impose his or her personal beliefs on his patient.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

By Collette A. Hauden

Date/Time 4/23/10 2:05pm

An Act

ENROLLED HOUSE
BILL NO. 2656

By: Sullivan, Reynolds, Faught,
Duncan, Kern and Terrill of
the House

and

Crain, Jolley, Schulz,
Justice, Coffee, Newberry,
Brogdon, Sykes, Halligan,
Myers, Brown, Aldridge,
Reynolds, Barrington, Ford,
Johnson (Mike), Garrison,
Russell, Stanislawski,
Coates, Lamb, Bingman and
Marlatt of the Senate

An Act relating to public health and safety; stating legislative intent; defining terms; prohibiting recovery of damages in certain circumstances for wrongful birth and wrongful life actions; excepting specific circumstances; repealing Section 14, Chapter 36, O.S.L. 2008 (63 O.S. Supp. 2009, Section 1-741.11), which prohibits the recovery of damages in certain circumstances for wrongful birth and wrongful life actions; providing for codification; and declaring an emergency.

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 1-741.12 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It is the intent of the Legislature that the birth of a child does not constitute a legally recognizable injury and that it

is contrary to public policy to award damages because of the birth of a child or for the rearing of that child.

B. For the purposes of this section:

1. "Abortion" means the term as is defined in Section 1-730 of Title 63 of the Oklahoma Statutes;

2. "Wrongful life action" means a cause of action that is brought by or on behalf of a child, which seeks economic or noneconomic damages for the child because of a condition of the child that existed at the time of the child's birth, and which is based on a claim that a person's act or omission contributed to the mother's not having obtained an abortion; and

3. "Wrongful birth action" means a cause of action that is brought by a parent or other person who is legally required to provide for the support of a child, which seeks economic or noneconomic damages because of a condition of the child that existed at the time of the child's birth, and which is based on a claim that a person's act or omission contributed to the mother's not having obtained an abortion.

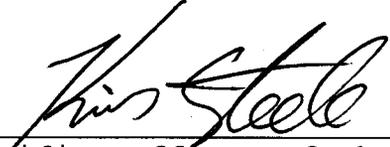
C. In a wrongful life action or a wrongful birth action, no damages may be recovered for any condition that existed at the time of a child's birth if the claim is that the defendant's act or omission contributed to the mother's not having obtained an abortion.

D. This section shall not preclude causes of action based on claims that, but for a wrongful act or omission, maternal death or injury would not have occurred, or handicap, disease, or disability of an individual prior to birth would have been prevented, cured, or ameliorated in a manner that preserved the health and life of the affected individual.

SECTION 2. REPEALER Section 14, Chapter 36, O.S.L. 2008 (63 O.S. Supp. 2009, Section 1-741.11), is hereby repealed.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and 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 House of Representatives the 23rd day of February, 2010.



Presiding Officer of the House of Representatives

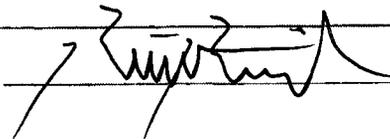
Passed the Senate the 19th day of April, 2010.



Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 20th
day of April, 2010,
at 2:40 o'clock P M.

By: 

Approved by the Governor of the State of Oklahoma the _____ day of _____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
27th day of April, 2010,
at 3:10 o'clock P M.

By: 