

An Act

ENROLLED HOUSE
BILL NO. 3075

By: Hamilton, Reynolds, Faught, Kern,
Wright (John), Thompson and Ritze of
the House

and

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

An Act relating to public health and safety;
mandating certain sign posting for facilities that
perform, induce, or prescribe for abortions or where
the means for an abortion are provided; specifying
wording of sign; specifying typeface of sign;
specifying areas of sign posting; establishing
penalty for noncompliance; authorizing certain civil
actions; providing for certain disclosure to minors;
providing for certain certification by minors;
repealing Sections 8, 9 and 10, Chapter 36, O.S.L.
2008 (63 O.S. Supp. 2009, Sections 1-737.1, 1-737.2
and 1-737.3), which relate to mandating sign posting
for certain facilities; 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 1-737.4 of Title 63, unless
there is created a duplication in numbering, reads as follows:

A. Any private office, freestanding outpatient clinic, or other
facility or clinic in which abortions, other than abortions
necessary to prevent the death of the pregnant female, are
performed, induced, prescribed for, or where the means for an
abortion are provided shall conspicuously post a sign in a location

defined in subsection C of this section so as to be clearly visible to patients, which reads:

Notice: It is against the law for anyone, regardless of his or her relationship to you, to force you to have an abortion. By law, we cannot perform, induce, prescribe for, or provide you with the means for an abortion unless we have your freely given and voluntary consent. It is against the law to perform, induce, prescribe for, or provide you with the means for an abortion against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse or violence.

B. The sign required pursuant to subsection A of this section shall be printed with lettering that is legible and shall be at least three-quarters-of-an-inch boldfaced type.

C. A facility in which abortions are performed, induced, prescribed for, or where the means for an abortion are provided that is a private office or a freestanding outpatient clinic shall post the required sign in each patient waiting room and patient consultation room used by patients on whom abortions are performed, induced, prescribed for, or who are provided with the means for an abortion. A hospital or any other facility in which abortions are performed, induced, prescribed for, or where the means for an abortion are provided that is not a private office or freestanding outpatient clinic shall post the required sign in each patient admission area used by patients on whom abortions are performed, induced, prescribed for, or by patients who are provided with the means for an abortion.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-737.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any private office, freestanding outpatient clinic or other facility or clinic that fails to post a required sign in knowing, reckless, or negligent violation of this act shall be assessed an administrative fine of Ten Thousand Dollars (\$10,000.00). Each day on which an abortion, other than an abortion necessary to prevent the death of the pregnant female, is performed, induced, prescribed for, or where the means for an abortion are provided in a private office, freestanding outpatient clinic or other facility or clinic in which the required sign is not posted during any portion of

business hours when patients or prospective patients are present is a separate violation.

B. An action may be brought by or on behalf of an individual injured by the failure to post the required sign. A plaintiff in an action under this subsection may recover damages for emotional distress and any other damages allowed by law.

C. The sanctions and actions provided in this section shall not displace any sanction applicable under other law.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-737.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. If the pregnant female is a minor, the attending physician shall orally inform the female that no one can force her to have an abortion and that an abortion cannot be performed, induced, prescribed for, or that the means for an abortion cannot be provided unless she provides her freely given, voluntary, and informed consent.

B. The minor female shall certify in writing, prior to the performance of, induction of, receiving the prescription for, or provision of the means for the abortion, that she was informed by the attending physician of the required information in subsection A of this section. A copy of the written certification shall be placed in the minor's file and kept for at least seven (7) years or for five (5) years after the minor reaches the age of majority, whichever is greater.

SECTION 4. REPEALER Sections 8, 9 and 10, Chapter 36, O.S.L. 2008 (63 O.S. Supp. 2009, Sections 1-737.1, 1-737.2 and 1-737.3), are hereby repealed.

SECTION 5. 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 24th day of February, 2010.

Chris Steele

Presiding Officer of the House of Representatives

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

Greg Allen

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: *[Signature]*

Approved by the Governor of the State of Oklahoma the 22nd day of
April, 2010, at 4:45 o'clock P M.

[Signature]
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
23rd day of April, 2010,
at 2:10 o'clock P M.

By: *[Signature]*