

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1809

By: Dahm

AS INTRODUCED

An Act relating to abortion; defining terms; prohibiting chemical abortions under certain circumstances; providing certain protections and construction; making abortion drug manufacturer responsible for certain disposal and mitigation; providing penalties; providing for codification; and providing an effective date.

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 1-758 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Abortion drug" means any medicine, drug, or any other substance, or any combination of drugs, medicines, or substances, when it is used 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 (1) to produce a live birth, or

2 (2) to remove a dead unborn child;

3 2. "Attempts to provide" means conduct that, under the  
4 circumstances as the actor believes them to be, constitutes a  
5 substantial step in a course of conduct planned to culminate in a  
6 chemical abortion;

7 3. "Catch kit" means a collection container designed to catch  
8 and hold medical waste or infectious waste, often used for  
9 collecting samples for testing;

10 4. "Chemical abortion" refers to the use of an abortion drug to  
11 intentionally:

12 a. kill the unborn child of a woman known to be pregnant,

13 or

14 b. terminate the pregnancy of a woman known to be  
15 pregnant, with an intention other than:

16 (1) to produce a live birth, or

17 (2) to remove a dead unborn child;

18 5. "Health care provider" means any person licensed to  
19 prescribe prescription drugs under applicable federal and state  
20 laws;

21 6. "Medical waste bag", also referred to as an "infectious  
22 waste bag", "health care waste bag", or "biohazard waste bag", means  
23 a red biohazardous waste container made to contain medical or  
24 biohazardous waste.

1 a. Warning labels shall be affixed to the container  
2 stating "BIOHAZARD" and depicting the biohazard symbol  
3 recognized by the American National Standards  
4 Institute.

5 b. The container must either:

- 6 (1) be fluorescent orange or orange-red, with  
7 lettering and symbols in a contrasting color, or  
8 (2) include such required warning labels in  
9 fluorescent orange or orange-red, with lettering  
10 and symbols in a contrasting color;

11 7. "Provide" means to dispense or prescribe an abortion drug,  
12 or to otherwise make an abortion drug available to a patient; and

13 8. "Unborn child" means an individual organism of the species  
14 homo sapiens, beginning at conception, until the point of being born  
15 alive.

16 B. A health care provider shall not knowingly provide or  
17 attempt to provide a chemical abortion, if such provision or attempt  
18 is in or affects interstate commerce, without:

19 1. Physically examining the patient;

20 2. Being physically present at the location of the chemical  
21 abortion;

22 3. Scheduling a follow-up visit for the patient to occur not  
23 more than seven (7) days after the administration or use of the drug  
24 to assess the patient's physical condition; or

1           4. Providing a catch kit and medical waste bag, including  
2 instructions for the patient to bring the catch kit and medical  
3 waste bag to the health care provider for proper disposal.

4           C. A health care provider found in violation of subsection B of  
5 this section shall, upon conviction, be fined not more than Ten  
6 Thousand Dollars (\$10,000.00) or imprisoned in the custody of the  
7 Department of Corrections not more than three (3) years, or receive  
8 both such fine and imprisonment.

9           D. 1. This section shall not apply to a chemical abortion that  
10 is necessary to preserve the life of a mother whose life is  
11 endangered by a physical disorder, physical illness, or physical  
12 injury, including a life-endangering physical condition.

13           2. A patient upon whom an abortion is performed may not be  
14 prosecuted for a violation of this section or a conspiracy to  
15 violate this section.

16           3. Nothing in this section shall be construed to have any  
17 impact on the treatment of a verified ectopic pregnancy.

18           E. The manufacturer of any abortion drug shall be responsible  
19 for proper disposal of discarded abortion drugs and mitigation of  
20 the environmental effects of endocrine-disrupting chemical  
21 byproducts of chemical abortion drugs entering public waste systems  
22 due to the disposal of tainted human remains entering the wastewater  
23 system as a result of at-home abortions. If endocrine-disrupting  
24 chemicals from abortion drugs are found in wastewater, the

1 manufacturer shall be responsible for cleanup, remediation, and  
2 further preventative measures. A violation of this subsection shall  
3 be punishable by a fine not more than Twenty Thousand Dollars  
4 (\$20,000.00) per violation.

5 SECTION 2. This act shall become effective November 1, 2024.

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