

## Oklahoma Law and Your Rights

The following information is a summary of your rights found in the Oklahoma laws regarding abortion. You can click on the links to take you directly to the actual Oklahoma Statute for more information.

### **Who May Perform Abortions – [63 O.S. § 1-731](#)**

Only a physician licensed to practice medicine in the State of Oklahoma can perform or induce an abortion upon a pregnant woman.

### **Self-induced Abortions – [63 O.S. § 1-733](#)**

In Oklahoma, no woman shall perform or induce an abortion upon herself except under the supervision of a duly licensed physician. Any physician who supervises a woman performing or inducing an abortion upon herself shall fulfill all the requirements which apply to a physician performing or inducing an abortion.

### **Posting – [63 O.S. § 1-737.4](#)**

Any facility in which abortions are performed, induce, prescribed for, or where the means for an abortion are provided shall post a sign visible to patient, which reads:

“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.”

“There are public and private agencies willing and able to help you carry your child to term, have a healthy pregnancy and a healthy baby and assist you and your child after your child is born, whether you choose to keep your child or place him or her for adoption. The State of Oklahoma strongly encourages you to contact them if you are pregnant.”

### **No Abortion Without Voluntary and Informed Consent – [63 O.S. § 1-738.2](#)**

In Oklahoma, an abortion cannot be performed on you without your voluntary and informed consent. Except in the case of a medical emergency, the following information must be provided to you by the physician who is to perform the abortion, or a physician who refers you for an abortion, or an agent of either physician. This information must be given to you at least 72 hours prior to the performance of the abortion.

- The name of the physician who will perform the abortion
- The medical risks associated with the particular abortion procedure to be employed
- The probable gestational age of the unborn child at the time the abortion is to be performed
- The medical risks associated with carrying your child to term Availability of free ultrasound imaging and heart tone monitoring facilities
- Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care

- The father is liable to assist in the support of your child
- You have the option to review printed materials provided by the State Board of Medical Licensure and Supervision, which include a Resource directory and Information Booklet
- You have the option to review the material via the Internet, [www.awomansright.org](http://www.awomansright.org)

### **Regulation of Mifepristone RU-486 – [63 O.S. § 1-729a](#)**

In Oklahoma, only a physician licensed to practice medicine in Oklahoma can provide RU-486 for the purpose of inducing an abortion. The physician providing RU-486 must:

1. Have the ability to assess the duration of your pregnancy accurately
2. Have the ability to diagnose ectopic pregnancies
3. Have the ability to provide surgical intervention in case of an incomplete abortion or severe bleeding, or has made plans to provide such care through other qualified physicians
4. Be able to assure patient access to medical facilities equipped to provide blood transfusions and resuscitation, if necessary

The physician who provides RU-486 for the purpose of inducing an abortion must:

1. Provide you with a copy of the drug manufacturer’s medication guide for RU-486
2. Fully explain the procedure to you, including explaining whether the physician is using the drug in accordance with the U.S. Food and Drug Administration protocol or an evidence-based protocol. If the physician is using an evidence-based protocol, they must provide you detailed information on the protocol being used
3. Provide you with a copy of the drug manufacturer’s patient agreement, which you must sign

The physician who provides RU-486 for the purpose of inducing an abortion must be in the same room as you are when RU-486 is provided.

### **Heartbeat Informed Consent Act – [63 O.S. § 1-745.14](#)**

If your pregnancy is at least eight (8) weeks after fertilization, before you give informed consent to having an abortion, the abortion provider shall tell you that it may be possible to make the heartbeat of the unborn child audible for you to hear and ask you if you would like to hear the heartbeat. If you would like to hear the heartbeat, the abortion provider shall make the heartbeat of the unborn child audible for you to hear.

### **Parental Notification – [63 O.S. § 1-740.2](#), [1-744.2](#), [1-744.3](#), [1-744.4](#)**

In Oklahoma, a physician may not perform an abortion on a pregnant female unless the physician has:

1. Obtained proof of age demonstrating the female is not a minor;
2. Obtained proof that the female, although a minor, is emancipated

An abortion cannot be performed upon a minor until at least forty-eight (48) hours after the request for written informed consent for the pending abortion has been delivered by certified mail, or in person. The parent has to provide to the physician proof of identification, and certify in a signed, dated, and notarized statement that he or she has been notified and consents to the abortion.

No notice or request for written informed consent of one parent shall be required under the following conditions: medical emergency exists, the minor declares she is the victim of sexual or physical abuse by the parent, minor gives notice of her intent to see a judicial waiver.

**Judicial Authorization of Abortion Without Parental Notification – [63 O.S. § 1-740.3](#)**

If a pregnant unemancipated minor elects not to allow the request for written informed consent of her parent, any judge of a district court in the county in which the minor resides shall, upon petition or motion, and after an appropriate hearing, authorize a physician to perform the abortion if the judge determines, by clear and convincing evidence, that the pregnant unemancipated minor is mature and capable of giving informed consent to the proposed abortion.

A pregnant unemancipated minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The pregnant unemancipated minor has a right to court-appointed counsel.

**Prohibited Abortions – [63 O.S. § 1-745.5](#)**

In Oklahoma, an abortion cannot be performed on you if you are twenty (20) weeks pregnant or more, unless, you have a condition which so complicates your medical condition as to necessitate abortion of your pregnancy to avert your death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. When an abortion is to be performed on a woman twenty (20) weeks or more pregnant, the physician shall terminate the pregnancy in the manner which, provides the best opportunity for the unborn child to survive, unless termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function of the woman.

**Unborn Child Pain Awareness/Prevention Act – [63 O.S. § 1-738.8](#) & [63 O.S. § 1-738.10](#)**

Except in the case of a medical emergency, at least 72 hours prior to an abortion being performed on an unborn child whose probable gestational age is twenty (20) weeks or more, the physician performing the abortion or the agent of the physician shall inform the pregnant female, by telephone or in person, of the right to review the printed materials concerning unborn children of twenty (20) weeks gestational age, provided by the State Board of Medical Licensure and Supervision at [www.awomansright.org](http://www.awomansright.org).

“By twenty (20) weeks gestation, the unborn child has the physical structures necessary to experience pain. There is evidence that by twenty (20) weeks gestation, unborn children seek to evade certain stimuli in a manner which in an infant or an adult would be interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are twenty (20) weeks gestational age or older who undergo prenatal surgery.”

**Information About and Administration of Anesthetic or Analgesic – [63 O.S. § 1-738.9](#)**

Except in the case of a medical emergency, before an abortion is performed on an unborn child who is twenty (20) weeks gestational age or more, the physician performing the abortion or the agent of the physician shall inform the female if an anesthetic or analgesic would eliminate or alleviate organic pain to the unborn child caused by the particular method of abortion to be employed and inform the female of the particular medical risks associated

with the particular anesthetic or analgesic. With the consent of the female, the physician shall administer the anesthetic or analgesic.

**Civil Action Against Abortion Provider and Others for Negligent Violations of State Statutes – [63 O.S. § 1-738.3f](#)**

A woman upon whom an abortion has been performed in negligent violation of the Oklahoma Statutes, or the parent or legal guardian of the woman if she is an unemancipated minor, may commence a civil action against the abortion provider, against the prescriber of any drug or chemical intended to induce abortion, and against any person or entity which referred the woman to the abortion provider or prescriber for actual damages and, in cases of gross negligence, for punitive damages. The measure of damages shall include damages for the mental anguish and emotional distress of the plaintiff, in addition to all damages available for the wrongful death of the child whose life was aborted in negligent violation of the Oklahoma Statutes.

**Adverse Fetal Diagnosis – [63 O.S. § 1-746.2](#)**

In Oklahoma, if you have received an adverse diagnosis of your unborn child with a “fetal anomaly that is incompatible with life,” you are to be informed by telephone, or in person, at least seventy-two (72) hours before an abortion:

- a) That perinatal hospice\* services are available,
- b) This service is an alternative to abortion, that you have the right to review the printed materials provided by the State of Oklahoma,
- c) These materials are available on a state-sponsored website, and
- d) What the website address is where you can access this information

\*Perinatal hospice is defined by 63 O.S. § 1-746.1 as “comprehensive support that includes support from the time of diagnosis through the time of birth and death of the infant and through the postpartum period. Supportive care may include maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, psychiatrists, psychologists, or other mental health professionals, clergy, social workers, and specialty nurses.”