

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

APR 28 2022

RICK WARREN
COURT CLERK

109 _____

OKLAHOMA CALL FOR REPRODUCTIVE JUSTICE, on behalf of itself and its members; TULSA WOMEN'S REPRODUCTIVE CLINIC, LLC, on behalf of itself, its physicians, its staff, and its patients; ALAN BRAID, M.D., on behalf of himself and his patients; COMPREHENSIVE HEALTH OF PLANNED PARENTHOOD GREAT PLAINS, INC., on behalf of itself, its physicians, its staff, and its patients; and PLANNED PARENTHOOD OF ARKANSAS & EASTERN OKLAHOMA, on behalf of itself, its physicians, its staff, and its patients.

Plaintiffs,

v.

JOHN O'CONNOR, in his official capacity as Attorney General for the State of Oklahoma; DAVID PRATER, in his official capacity as District Attorney for Oklahoma County; STEVE KUNZWEILER, in his official capacity as District Attorney for Tulsa County; LYLE KELSEY, in his official capacity as Executive Director of the Oklahoma State Board of Medical Licensure and Supervision; KATIE TEMPLETON, in her official capacity as President of the Oklahoma State Board of Osteopathic Examiners; KEITH REED, in his official capacity as the Commissioner of the Oklahoma State Board of Health; and JUSTIN WILSON, in his official capacity as the President of the Oklahoma State Board of Pharmacy; as well as their employees, agents, and successors,

Defendants.

CASE NO. CV-2021-2072

**PLAINTIFFS' MOTION TO SUPPLEMENT PETITION
AND FOR STAY OF PROCEEDINGS**

Plaintiffs move to this Court for leave to file their First Supplemental Petition (attached as Exhibit 1), which accounts for “transactions or occurrences or events which have happened since the date of the” original petition, 12 O.S. § 2015(D)—the passage of Oklahoma Senate Bill 612, a law that punishes abortion providers criminally and that is plainly as unconstitutional as those at issue in the original petition. It is well within this Court’s discretion to permit Plaintiffs to supplement their action “upon reasonable notice and upon terms as are just,” which is the case here. *Id.*

ARGUMENT

Six months ago, Plaintiffs brought this action challenging five different unconstitutional abortion restrictions the Oklahoma Legislature passed last session in 2021. This Court (The Honorable Judge Cindy Truong) temporarily enjoined two of those laws, the Total Ban, H.B. 1102, which subjects physicians who provide abortions to loss of licensure, and the 6-Week Ban, H.B. 2441, which makes providing an abortion after approximately 6 weeks of pregnancy a homicide. Order, No. 2021-2072 (Oct. 7, 2021). The Oklahoma Supreme Court then continued this relief as to both bans and further temporarily enjoined the other laws challenged in this case, the OB/GYN Restriction and the Medication Abortion Restrictions. Order, No. IN-119918 (Oct. 25, 2021). Each of these laws remains temporarily enjoined.

Undeterred, the Legislature recently passed an even more extreme abortion ban, Oklahoma Senate Bill 612 (attached as Exhibit A to Plaintiffs’ First Supplemental Petition) (“S.B. 612,” the “Act,” or “the Total Criminal Ban”). S.B. 612 will become effective 90 days after the Legislature adjourns, which is expected to occur in May, putting S.B. 612’s effective date in August 2022. S.B. 612 bans abortions at any gestational age for any reason other than a medical emergency, which is defined narrowly in the statute. Physicians who provide

abortions for any reason other than what the statute defines as a medical emergency face draconian penalties, including up to ten years in prison and/or a fine of up to \$100,000. If allowed to take effect, S.B. 612 will effectively eliminate access to abortion in Oklahoma. The State has already conceded that the two bans this Court enjoined last year violate binding precedent. The same is certainly true of a total criminal ban.

Given the State's concession in this case that the *less* draconian Total Ban—which does *not* impose criminal penalties—is clearly unconstitutional under *Roe v. Wade*, and to avoid unnecessary motion practice, Plaintiffs asked the State to stipulate to a temporary injunction as to S.B. 612. Plaintiffs also asked the State to alternatively, at the very least, agree to Plaintiffs supplementing this case to include the Total Criminal Ban, which exceeds the harms of the Total Ban already at issue and previously enjoined. The State refused, suggesting that Plaintiffs' requests were premature and speculating that the U.S. Supreme Court “could” overturn *Roe v. Wade* before the law's effective date. Because the State declined to cooperate, Plaintiffs now seek court intervention and respectfully request that this Court grant Plaintiffs leave to file the First Supplemental Petition (attached as Exhibit 1). The State has had ample notice of the new facts that have arisen and no discovery has taken place. The terms are just. 12 O.S. § 2015(D). Therefore, Plaintiffs respectfully request that this Court permit Plaintiffs to file the attached First Supplemental Petition.

Should this Court grant Plaintiffs' motion to supplement the petition, Plaintiffs also respectfully request that this Court stay proceedings after deciding this motion and Plaintiffs' concurrently filed Motion for a Temporary Injunction Barring Enforcement of S.B. 612, until the pending appeal is resolved. *See* Okla. Dist. Ct. R. 4(c)(9) (permitting a motion for stay without briefing). Given that the already-appealed portion of this case is before the Oklahoma

Supreme Court, divesting this Court of jurisdiction as to that part of the case, *see* Okla. Sup. Ct. R. 1.37, a stay of further proceedings in this Court until the appeal is resolved will allow the entire case to proceed on the merits on the same timeline.

Dated: April 28, 2022

Respectfully Submitted,



J. Blake Patton, Oklahoma Bar No. 30673
WALDING & PATTON PLLC
518 Colcord Drive, Suite 100
Oklahoma City, OK 73102
Phone: (405) 605-4440
Fax: N/A
bpatton@waldingpatton.com

Rabia Muqaddam*
Caroline Sacerdote*
Kulsoom Ijaz*
CENTER FOR REPRODUCTIVE RIGHTS
199 Water Street
22nd Floor
New York, NY 10038
Phone: (917) 637-3645
Fax: (917) 637-3666
rmuqaddam@reprorights.org
csacerdote@reprorights.org
kijaz@reprorights.org

Jerome Hoffman*
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
Phone: (215) 994-2496
Fax: (215) 665-2496
jerome.hoffman@dechert.com

Linda C. Goldstein*
Jenna C. Newmark*
Meghan Agostinelli*
Dechert LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Phone: (212) 649-8723
Fax: (212) 314-0064
linda.goldstein@dechert.com
jenna.newmark@dechert.com
meghan.agostinelli@dechert.com

Jonathan Tam*
Dechert LLP
One Bush Street, Suite 1600
San Francisco, CA 94104-4446
T: (415) 262-4518
F: (415) 262-4555
jonathan.tam@dechert.com

Attorneys for Plaintiffs Oklahoma Call for Reproductive Justice, Tulsa Women's Reproductive Clinic, L.L.C., and Alan Braid, M.D.

Diana Salgado*
PLANNED PARENTHOOD FEDERATION OF AMERICA
1110 Vermont Ave., NW, Suite 300
Washington, DC 20005
Phone: (212) 261-4399
Fax: (202) 296-3480
diana.salgado@ppfa.org

Attorneys for Plaintiffs Comprehensive Health of Planned Parenthood Great Plains, Inc. and Planned Parenthood of Arkansas & Eastern Oklahoma

*Out-Of-State Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of April, 2022, a true and correct copy of the foregoing was served via hand delivery to all Defendants through their attorneys:

Mithun Mansinghani
Solicitor General
Zach West
Assistant Solicitor General
Office of the Oklahoma Attorney General
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Email: mithun.mansinghani@oag.ok.gov
zach.west@oag.ok.gov



J. Blake Patton, Esq.

EXHIBIT 1

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

OKLAHOMA CALL FOR REPRODUCTIVE JUSTICE, on behalf of itself and its members; TULSA WOMEN'S REPRODUCTIVE CLINIC, LLC, on behalf of itself, its physicians, its staff, and its patients; ALAN BRAID, M.D., on behalf of himself and his patients; COMPREHENSIVE HEALTH OF PLANNED PARENTHOOD GREAT PLAINS, INC., on behalf of itself, its physicians, its staff, and its patients; and PLANNED PARENTHOOD OF ARKANSAS & EASTERN OKLAHOMA, on behalf of itself, its physicians, its staff, and its patients,

CASE NO. CV-2021-2072

Plaintiffs,

v.

JOHN O'CONNOR, in his official capacity as Attorney General for the State of Oklahoma; DAVID PRATER, in his official capacity as District Attorney for Oklahoma County; STEVE KUNZWEILER, in his official capacity as District Attorney for Tulsa County; LYLE KELSEY, in his official capacity as Executive Director of the Oklahoma State Board of Medical Licensure and Supervision; KATIE TEMPLETON, in her official capacity as President of the Oklahoma State Board of Osteopathic Examiners; KEITH REED, in his official capacity as the Commissioner of the Oklahoma State Board of Health; and JUSTIN WILSON, in his official capacity as the President of the Oklahoma State Board of Pharmacy; as well as their employees, agents, and successors,

Defendants.

FIRST SUPPLEMENTAL PETITION

Plaintiffs, by and through their undersigned attorneys, bring this First Supplemental Petition against the above-named Defendants, their employees, agents, and successors in office, and in support thereof allege the following:

I. PRELIMINARY STATEMENT

1. “Every woman in this country has a constitutionally protected right to choose whether to terminate her pregnancy before viability.” *Burns v. Cline*, 2016 OK 121, ¶ 8, 387 P.3d 348, 351. Seeking to entirely eliminate this right, the Oklahoma Legislature passed Senate Bill 612 in its 2022 legislative session. Plaintiffs file this First Supplemental Petition pursuant to 12 Okla. Stat. § 2015(D) to raise allegations based on events that have occurred since Plaintiffs filed their original Verified Petition on September 2, 2021, and hereby incorporate by reference the factual and legal allegations in that Petition, as permitted by 12 Okla. Stat. 2010.

2. A copy of S.B. 612 is attached hereto as Exhibit A. S.B. 612 is scheduled to take effect 90 days following adjournment of the legislature, which will put the effective date likely in August 2022. *See* Okla. Const. Art. 5, § 58

3. S.B. 612 (the “Total Criminal Ban”) makes providing any abortions a felony. Physicians who provide abortions can face up to ten years in prison and/or a fine of up to \$100,000.

4. This case originally challenged five bills enacted during the 2021 legislative session: House Bill 1102, 2021 Okla. Sess. Law Serv. Ch. 205 (the “Total Ban”), House Bill 2441, 2021 Okla. Sess. Law Serv. Ch. 219 (the “6-Week Ban”), House Bill 1904, 2021 Okla. Sess. Law Serv. Ch. 211 (the “OB/GYN Requirement”), Senate Bill 778, 2021 Okla. Sess. Law Serv. Ch. 577, and Senate Bill 779, 2021 Okla. Sess. Law Serv. Ch. 578 (the “Medication Abortion Restrictions”). These five laws are currently enjoined. *See* Order, No. 2021-2072 (Oct. 7, 2021) (enjoining the Total Ban and the 6-Week Ban); October 25, 2021 Order Granting Emergency Temporary Injunction, No. IN-119918 (Oct. 25, 2021) (continuing the trial court’s temporary injunction of the Total Ban and the 6-Week Ban and temporarily enjoining the OB/GYN Requirement and Medication Abortion Restrictions).

5. S.B. 612 is a more draconian version of one of the bills already enjoined in this case—H.B. 1102, the Total Ban—because it carries criminal penalties. H.B. 1102 declares that providing abortions is unprofessional conduct by physicians that carries a penalty of, at a minimum, suspension of medical licensure for one year.

6. In its briefing before this Court and at argument, the State conceded as to this *less* draconian total ban *without* criminal penalties, that a total ban on abortion violates binding precedent. September 24, 2021 State’s Response to Motion for Temporary Injunction (“TI Resp.”) at 11-12; Oct. 4, 2021 Temporary Injunction Hearing Transcript, *Oklahoma Call for Reproductive Justice, et al., v. O’Connor, et al.*, 15:13-21 (filed with this Court on appeal on March 4, 2022, No. IN-119918).

7. The only response the State has offered to support the constitutionality of a total abortion ban is its speculation that the U.S. Supreme Court could reverse *Roe v. Wade*. See TI Resp. at 11-12. But the State’s predictions are just guesswork, and such speculation about what the law may be in the future is no basis to deviate today from what is unequivocally binding, directly applicable precedent directing that the Total Criminal Ban is unconstitutional like the other laws presently enjoined by the Oklahoma Supreme Court in this case.

8. The Total Criminal Ban has no legislative findings, but the State’s clear purpose is to deprive people in Oklahoma of their constitutionally protected right to choose whether to terminate their pregnancy before viability.

9. To protect Oklahomans from the devastating effects of S.B. 612, and to avoid irreparable harm, Plaintiffs seek declaratory and injunctive relief to block enforcement of the Total Criminal Ban.

II. JURISDICTION AND VENUE

10. Jurisdiction is conferred on this Court by Okla. Const. art. VII, § 7(a).

11. Plaintiffs' claims for declaratory and injunctive relief are authorized by Okla. Stat. tit. 12, §§ 1651 and 1381 and by the general equitable powers of this Court.

12. Venue is proper under Okla. Stat. tit. 12, § 133 because Defendants O'Connor, Prater, Kelsey, Templeton, Reed, and Wilson have official residences in Oklahoma County.

III. PARTIES

A. Plaintiffs

13. Plaintiffs include the Oklahoma Call for Reproductive Justice, an organization that represents Oklahomans seeking abortion care, as well as abortion providers representing their interests and the interests of their patients, Tulsa Women's Reproductive Clinic, Dr. Alan Braid, Comprehensive Health of Planned Parenthood Great Plains, and Planned Parenthood of Arkansas & Eastern Oklahoma. Plaintiffs are described in greater detail in paragraphs 15-29 of Plaintiffs' September 2, 2021 Verified Petition.

B. Defendants

14. Defendants include John O'Connor, the Attorney General of the State of Oklahoma and the "chief law officer of the state," 74 O.S. § 18, David Prater, the District Attorney for Oklahoma County, and Steve Kunzweiler, the District Attorney for Tulsa County, sued in their individual capacities. These defendants are responsible for enforcement of criminal laws like S.B. 612. 74 O.S. § 18; Okla. Stat. tit. 19, § 215.4; S.B. 612 § 1(B)(2). Defendants are described in greater detail in paragraphs 30-36 of Plaintiffs' September 2, 2021 Verified Petition.

IV. FACTUAL ALLEGATIONS

15. The Total Criminal Ban bans abortion entirely. Under the Total Criminal Ban, a physician who provides an abortion may be convicted of a felony "punishable by a fine not to exceed One Hundred Thousand Dollars (\$100,000), or by confinement in the custody of the Department of Corrections for a term not to exceed ten (10) years, or by such fine and

imprisonment.” S.B. 612 § 1(B)(2). The Total Criminal Ban has only one narrow exception for abortions performed “to save the life of a pregnant woman in a medical emergency,” which the Act defines as “a condition which cannot be remedied by delivery of the child in which an abortion is necessary to preserve the life of a pregnant woman” *Id.* § 1(A)(2).

16. The Total Criminal Ban allows providers to raise as an affirmative defense that they provided medical care to a pregnant person “which results in the accidental or unintentional injury or death to the unborn child.” S.B. 612 § 1(B)(4).

17. Under the Oklahoma Constitution, “[n]o person shall be deprived of life, liberty, or property, without due process of law.” Okla. Const. art. II, § 7. The Oklahoma Supreme Court has repeatedly recognized that this guarantee protects a person’s ability to choose to terminate a pregnancy prior to viability, consistent with the U.S. Constitution and U.S. Supreme Court precedent. *Cline IV*, 2019 OK 33 ¶¶ 16, 25, 43, 441 P.3d 1145, 1151, 1153-54, 1161 (citations omitted); *Cline III*, 2016 OK 121 ¶ 8, 387 P.3d 348, 351-52.

18. The Total Criminal Ban is clearly unconstitutional because it outright prohibits physicians from performing pre-viability abortions.

19. If permitted to take effect, the Total Criminal Ban will stop Plaintiffs from providing abortions and effectively end the provision of abortion care in Oklahoma, preventing most Oklahomans, including patients of the Provider Plaintiffs and members of OCRJ, from accessing constitutionally protected abortion care in the state. Patients who can do so will be forced to attempt to seek care out of state, and many others will be forced to carry a pregnancy to term against their will or seek ways to end their pregnancies without medical supervision, some of which may be unsafe. The harms stemming from banning abortions, harms that will disproportionately

impact the majority of patients who are low-income and people of color, are set forth in greater detail in paragraphs 54-79, and 145-54 of Plaintiffs' September 2, 2021 Verified Petition.

20. The Total Criminal Ban's narrow exception does not cure its constitutional violations.

21. Plaintiffs have no adequate remedy at law.

V. CLAIMS FOR RELIEF

First Claim for Relief **(Substantive Due Process)**

22. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1-21, and 1-154 of Plaintiffs' September 2, 2021 Verified Petition.

23. The Total Criminal Ban violates the fundamental right to choose to terminate a pregnancy and to bodily integrity in violation of Okla. Const. art. II, § 7.

Second Claim for Relief **(Substantive Due Process)**

24. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1-21, and 1-154 of Plaintiffs' September 2, 2021 Verified Petition.

25. The Total Criminal Ban was enacted with the improper purpose of burdening the fundamental right to choose to terminate a pregnancy and to bodily integrity in violation of Okla. Const. art. II, § 7.

Third Claim for Relief **(Substantive Due Process - Violation of the Right to Health)**

26. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1-21, and 1-154 of Plaintiffs' September 2, 2021 Verified Petition.

27. The Total Criminal Ban violates the right to health in violation of Okla. Const. art. II, § 7.

Fifth Claim for Relief
(Special Law)

28. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1-21, and 1-154 of Plaintiffs' September 2, 2021 Verified Petition.

29. The Total Criminal Ban creates a special law where general laws could be made applicable in violation of Okla. Const. art. V, § 59 by, among other things, singling out for special treatment physicians who provide medical treatment to patients seeking abortion care, and singling out women and a medical service women require.

Sixth Claim for Relief
(Declaratory Judgment - Unconstitutional and Void)

30. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1-21, and 1-154 of Plaintiffs' September 2, 2021 Verified Petition.

31. Because the Total Criminal Ban violates the Oklahoma Constitution, and declaratory judgment would terminate the controversy giving rise to this proceeding, Plaintiffs request a declaration from this Court stating that the Total Criminal Ban is unconstitutional and void. 12 O.S. § 1651.

Seventh Claim for Relief
(Temporary Injunction - Unconstitutional and Void)

32. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1-21, and 1-154 of Plaintiffs' September 2, 2021 Verified Petition.

33. Temporary injunctive relief is warranted because Plaintiffs, and those whose interests Plaintiffs represent, will suffer irreparable injury if the Total Ban is allowed to take effect.

Eighth Claim for Relief
(Permanent Injunction - Unconstitutional and Void)

34. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1-21, and 1-154 of Plaintiffs' September 2, 2021 Verified Petition.

35. Because the Total Criminal Ban violates the Oklahoma Constitution, warranting a declaratory judgment stating that the Challenged Laws are unconstitutional and void, Defendants should be permanently enjoined from enforcing them.

VI. PRAYERS FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Issue a declaratory judgment that the Total Criminal Ban violates the Oklahoma Constitution and is void and of no effect;
2. Issue permanent injunctive relief, without bond, restraining Defendants, their employees, agents, and successors in office from enforcing the Total Criminal Ban; and
3. Grant such other and further relief as the Court may deem just and proper, including reasonable attorney's fees and costs.

Dated: April 28, 2022

Respectfully Submitted,

J. Blake Patton, Oklahoma Bar No. 30673

WALDING & PATTON PLLC
518 Colcord Drive, Suite 100
Oklahoma City, OK 73102
Phone: (405) 605-4440
Fax: N/A
bpatton@waldingpatton.com

Rabia Muqaddam*
Caroline Sacerdote*
Kulsoom Ijaz*
CENTER FOR REPRODUCTIVE RIGHTS
199 Water Street
22nd Floor
New York, NY 10038
Phone: (917) 637-3645
Fax: (917) 637-3666
rmuqaddam@reprorights.org
csacerdote@reprorights.org
kijaz@reprorights.org

Jerome Hoffman*
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
Phone: (215) 994-2496
Fax: (215) 665-2496
jerome.hoffman@dechert.com

Linda C. Goldstein*
Jenna C. Newmark*
Meghan Agostinelli*
Dechert LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Phone: (212) 649-8723
Fax: (212) 314-0064
linda.goldstein@dechert.com

jenna.newmark@dechert.com
meghan.agostinelli@dechert.com

Jonathan Tam*
Dechert LLP
One Bush Street, Suite 1600
San Francisco, CA 94104-4446
T: (415) 262-4518
F: (415) 262-4555
jonathan.tam@dechert.com

Attorneys for Plaintiffs Oklahoma Call for Reproductive Justice, Tulsa Women's Reproductive Clinic, L.L.C., and Alan Braid, M.D.

Diana Salgado*
PLANNED PARENTHOOD FEDERATION OF AMERICA
1110 Vermont Ave., NW, Suite 300
Washington, DC 20005
Phone: (212) 261-4399
Fax: (202) 296-3480
diana.salgado@ppfa.org

Attorney for Plaintiffs Comprehensive Health of Planned Parenthood Great Plains, Inc. and Planned Parenthood of Arkansas & Eastern Oklahoma

*Out-Of-State Attorneys

EXHIBIT A

An Act

ENROLLED SENATE
BILL NO. 612

By: Dahm, Jett, Bullard,
Stephens, Rogers, Taylor,
and Bergstrom of the Senate

and

Olsen, Crosswhite Hader,
West (Kevin), McDugle,
Hardin (David), Grego, West
(Rick), Humphrey, Stearman,
Boles, Kendrix, Lawson,
Sneed, Roberts (Sean), and
Frix of the House

An Act relating to abortion; defining terms;
prohibiting performance of or attempt to perform
abortion except under certain condition; providing
penalties; providing certain construction; providing
affirmative defense; and providing for codification.

SUBJECT: Abortion

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 1-731.4 of Title 63, unless
there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. The terms "abortion" and "unborn child" shall have the same
meaning as provided by Section 1-730 of Title 63 of the Oklahoma
Statutes; and

2. "Medical emergency" means a condition which cannot be remedied by delivery of the child in which an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness or physical injury including a life-endangering physical condition caused by or arising from the pregnancy itself.

B. 1. Notwithstanding any other provision of law, a person shall not purposely perform or attempt to perform an abortion except to save the life of a pregnant woman in a medical emergency.

2. A person convicted of performing or attempting to perform an abortion shall be guilty of a felony punishable by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or by confinement in the custody of the Department of Corrections for a term not to exceed ten (10) years, or by such fine and imprisonment.

3. This section does not:

- a. authorize the charging or conviction of a woman with any criminal offense in the death of her own unborn child, or
- b. prohibit the sale, use, prescription or administration of a contraceptive measure, drug or chemical if the contraceptive measure, drug or chemical is administered before the time when a pregnancy could be determined through conventional medical testing and if the contraceptive measure, drug or chemical is sold, used, prescribed or administered in accordance with manufacturer instructions.

4. It is an affirmative defense to prosecution under this section if a licensed physician provides medical treatment to a pregnant woman which results in the accidental or unintentional injury or death to the unborn child.

Passed the Senate the 10th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 5th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of April, 2022, a true and correct copy of the foregoing was served via hand delivery to all Defendants through their attorneys:

Mithun Mansinghani
Solicitor General
Zach West
Assistant Solicitor General
Office of the Oklahoma Attorney General
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Email: mithun.mansinghani@oag.ok.gov
zach.west@oag.ok.gov

J. Blake Patton, Esq.