

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3014

By: Gann

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6 AS INTRODUCED

7 An Act relating to parental rights; amending Section
8 2, Chapter 238, O.S.L. 2014 (25 O.S. Supp. 2019,
9 Section 2002) and Section 4, Chapter 238, O.S.L.
10 2014, as last amended by Section 1, Chapter 329,
11 O.S.L. 2019 (25 O.S. Supp. 2019, Section 2004), which
12 relate to the Parents' Bill of Rights; modifying
13 rights of parents; creating right to make post-
14 birthing decisions; requiring parental consent for
15 vaccinations; increasing fine for violation of
16 sections; and providing an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 2, Chapter 238, O.S.L.
2014 (25 O.S. Supp. 2019, Section 2002), is amended to read as
follows:

Section 2002. A. All parental rights are reserved to a parent
of a minor child without obstruction or interference from this
state, any political subdivision of this state, any other
governmental entity or any other institution, including, but not
limited to, the following rights:

1. The right to direct the education of the minor child;

1 2. All rights of parents identified in Title 70 of the Oklahoma
2 Statutes, including the right to access and review all school
3 records relating to the minor child;

4 3. The right to direct the upbringing of the minor child;

5 4. The right to direct the moral or religious training of the
6 minor child;

7 5. The right to make healthcare decisions for the minor child,
8 unless otherwise prohibited by law;

9 6. The right to make post-birthing preference decisions,
10 including but not limited to delayed cord clamping and skin-to-skin
11 contact, and the right to opt-out of post-birthing practices
12 including but not limited to antibiotic eye ointment, vitamin K
13 injection, delayed bathing, and Hepatitis B vaccine;

14 The right to access and review all medical records of the minor
15 child unless otherwise prohibited by law or the parent is the
16 subject of an investigation of a crime committed against the minor
17 child and a law enforcement official requests that the information
18 not be released;

19 7. The right to consent in writing before a biometric scan of
20 the minor child is made, shared or stored;

21 8. The right to consent in writing before any record of the
22 minor child's blood or deoxyribonucleic acid (DNA) is created,
23 stored or shared, except as required by Sections 1-516 and 1-524.1
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1 of Title 63 of the Oklahoma Statutes, or unless authorized pursuant
2 to a court order;

3 9. The right to consent in writing before the state or any of
4 its political subdivisions makes a video or voice recording of the
5 minor child, unless the video or voice recording is made during or
6 as a part of a court proceeding, by law enforcement officers during
7 or as part of a law enforcement investigation, during or as part of
8 a forensic interview in a criminal or Department of Human Services
9 investigation or to be used solely for any of the following:

- 10 a. safety demonstrations, including the maintenance of
11 order and discipline in the common areas of a school
12 or on student transportation vehicles,
- 13 b. a purpose related to a legitimate academic or
14 extracurricular activity,
- 15 c. a purpose related to regular classroom instruction,
- 16 d. security or surveillance of buildings or grounds, and
- 17 e. a photo identification card; and

18 10. The right to be notified promptly if an employee of this
19 state, any political subdivision of this state, any other
20 governmental entity or any other institution suspects that a
21 criminal offense has been committed against the minor child by
22 someone other than a parent, unless the incident has first been
23 reported to law enforcement and notification of the parent would
24 impede a law enforcement or Department of Human Services

1 investigation. This paragraph does not create any new obligation
2 for school districts and charter schools to report misconduct
3 between students at school, such as fighting or aggressive play,
4 that is routinely addressed as a student disciplinary matter by the
5 school.

6 B. This section does not authorize or allow a parent to engage
7 in conduct that is unlawful or to abuse or neglect a child in
8 violation of the laws of this state. This section shall not be
9 construed to apply to a parental action or decision that would end
10 life. This section does not prohibit courts, law enforcement
11 officers or employees of a government agency responsible for child
12 welfare from acting in their official capacity within the reasonable
13 and prudent scope of their authority. This section does not
14 prohibit a court from issuing an order that is otherwise permitted
15 by law.

16 C. Any attempt to encourage or coerce a minor child to withhold
17 information from the child's parent shall be grounds for discipline
18 of an employee of this state, any political subdivision of this
19 state or any other governmental entity, except for law enforcement
20 personnel.

21 D. Unless those rights have been legally waived or legally
22 terminated, parents have inalienable rights that are more
23 comprehensive than those listed in this section. The Parents' Bill
24 of Rights does not prescribe all rights of parents. Unless

1 otherwise required by law, the rights of parents of minor children
2 shall not be limited or denied. The Parents' Bill of Rights shall
3 not be construed to apply to a parental action or decision that
4 would end life.

5 SECTION 2. AMENDATORY Section 4, Chapter 238, O.S.L.
6 2014, as last amended by Section 1, Chapter 329, O.S.L. 2019 (25
7 O.S. Supp. 2019, Section 2004), is amended to read as follows:

8 Section 2004. A. Except as otherwise provided by law, no
9 person, corporation, association, organization, state-supported
10 institution, or individual employed by any of these entities may
11 procure, solicit to perform, arrange for the performance of, perform
12 surgical procedures, vaccinations or perform a physical examination
13 upon a minor or prescribe any prescription drugs to a minor without
14 first obtaining a written consent of a parent or legal guardian of
15 the minor. Provided, however, that if written consent is provided
16 to a school district for assessment or treatment, such consent shall
17 be effective for the school year for which it is granted and shall
18 be renewed each subsequent school year. If an assessment or
19 treatment is performed through telemedicine at a school site and if
20 consent has been provided by the parent and is currently effective,
21 the health professional shall not be required to verify that the
22 parent is at the site.

23 B. Except as otherwise provided by law, no hospital as defined
24 in Section 1-701 of Title 63 of the Oklahoma Statutes may permit

1 surgical procedures or vaccinations to be performed upon a minor in
2 its facilities without first having received a written consent from
3 a parent or legal guardian of the minor.

4 C. The provisions of this section shall not apply when it has
5 been determined by a physician that an emergency exists and that it
6 is necessary to perform such surgical procedures or vaccinations for
7 the treatment of an injury, illness or drug abuse, or to save the
8 life of the patient, or when such parent or other adult authorized
9 by law to consent on behalf of a minor cannot be located or
10 contacted after a reasonably diligent effort.

11 D. The provisions of this section shall not apply to an
12 abortion, which shall be governed by the provisions of Sections 1-
13 740 through 1-740.6 and Sections 1-744 through 1-744.6 of Title 63
14 of the Oklahoma Statutes or any successor statute.

15 E. A person who violates a provision of this section is guilty
16 of a misdemeanor, punishable by a fine of not more than ~~One Thousand~~
17 ~~Dollars (\$1,000.00)~~ Ten Thousand Dollars (\$10,000.00) or
18 imprisonment of not more than one (1) year in the county jail, or by
19 both such fine and imprisonment.

20 SECTION 3. This act shall become effective November 1, 2020.

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22 57-2-9788 SH 12/30/19