

# Clinical Guidance to Assist in Medical Decision and/or Documentation of Abortion-Related Care Under Oklahoma Law

**UPDATED JANUARY 20, 2023. THE LAW IS CHANGING RAPIDLY. THIS INFORMATION WILL BE REVIEWED ON A WEEKLY BASIS AND UPDATED AS NEEDED TO REFLECT ANY SIGNIFICANT CHANGES.**

## Understanding the Guidance

1. The guidance on the slides that follow is merely guidance; all patient care decisions are made by clinicians.
2. The material on these slides is dense. The guidance has been written with intention, to provide clarity to the extent possible. Please read and consider carefully.
3. If concerns arise regarding patient safety, as a clinician, your first priority is the care of your patient. Clinicians should continue to prioritize appropriate patient care by adhering to commonly understood Medical Standards of Care, consistent with applicable law.

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When a potentially pregnant patient presents in the hospital:  
**STEP 1: Is the patient pregnant?**



- If the patient is not pregnant or if the fetus is not alive, there is **NO** criminal or civil liability for appropriate medical care.
  - There is **NO** civil or criminal liability for miscarriage care if the fetus is not alive.
  - There is **NO** civil or criminal liability for contraceptive measures, including post-sexual assault prophylaxis.

## STEP 2: What type of pregnancy?

### Intrauterine Pregnancy

- **Criminal liability**, at *any gestational stage*, except in the case of a “**medical emergency**.”
  - “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.
  - There is no exception from criminal liability in cases of rape or incest.
- **Civil liability**, at *any gestational stage*, except in the case of a “**medical emergency**,” or if **the pregnancy is the result of rape, sexual assault, or incest that has been reported to law enforcement**.

### Ectopic Pregnancy

- There is **NO** criminal or civil liability for abortion of an ectopic pregnancy. **Removal of an ectopic pregnancy is excluded from the definition of abortion.**

### Heterotopic Pregnancy

- Oklahoma law does not directly address heterotopic pregnancy.
- There may be criminal liability if the abortion to remove the extrauterine fetus is done with the purpose of also aborting the intrauterine fetus.