



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

CV 15 2050 -
Prince

NOV - 3 2015

TIM RHODES
COURT CLERK

(1) LARRY A. BURNS, D.O.,

Plaintiff,

v.

(2) TERRY L. CLINE, in his official capacity
as Oklahoma Commissioner of Health, and

(3) GREG MASHBURN, in his official
capacity as District Attorney for Cleveland,
Garvin, and McClain Counties,

Defendants.

34

Case No. CV - 2015 - 2050

Judge Prince

PETITION

Plaintiff Larry A. Burns, D.O., by and through his undersigned attorneys, brings this Petition against the above-named Defendants, their employees, agents, and successors in office, and in support thereof allege the following:

I. PRELIMINARY STATEMENT

1. This petition seeks declaratory and injunctive relief from Oklahoma Senate Bill 642, 2015 Okla. Sess. Law Serv. Ch. 387 (West) ("S.B. 642" or "the Act"), which violates the single-subject mandate of article V, section 57, of the Constitution of the State of Oklahoma. A copy of S.B. 642 is attached hereto as Exhibit A.

2. The Act was scheduled to take effect on November 1, 2015. On September 25, 2015, Plaintiff Larry A. Burns, D.O., petitioned the Supreme Court of the State of Oklahoma to assume original jurisdiction and to grant declaratory and injunctive relief barring enforcement of S.B. 642. *Burns v. Cline et al.*, No. 114,312. Defendants in the instant petition were Respondents in the Supreme Court case.

3. On October 13, 2015, Referee Barbara Swimley, for the Supreme Court, heard oral argument concerning whether the Court should assume original jurisdiction over the petition, and whether S.B. 642 was unconstitutional under the single-subject rule.

4. The Supreme Court assumed jurisdiction, and on October 26, 2015 issued an Order (and, subsequently, a Corrected Order) staying enforcement of S.B. 642, initially for 30 days from the date of the Order. The Supreme Court further ordered that, upon filing of the instant petition in Oklahoma County District Court, and upon notice to the Supreme Court of such filing, “the stay shall continue in effect.”

5. A copy of the Corrected Order, dated and signed on October 26, 2015 and filed on October 28, 2015, is attached hereto as Exhibit B.

6. Plaintiff is filing in the Supreme Court a “Motion to Stay Pending Litigation in District Court” later today. Attached to that motion will be a file-stamped copy of the instant petition.

7. As set forth below, the Act addresses four separate subjects, in violation of the Oklahoma Constitution. Plaintiff seeks declaratory and injunctive relief from this constitutional violation.

II. JURISDICTION AND VENUE

8. Jurisdiction is conferred on this Court by article VII, section 7(a) of the Oklahoma Constitution.

9. Plaintiff’s claims for declaratory and injunctive relief are authorized by sections 1651 and 1381 of title 12 of the Oklahoma Statutes, and by the general equitable powers of this Court.

10. Venue is appropriate under title 12, section 133 of the Oklahoma Statutes

because Defendant Cline has an official residence in Oklahoma County.

III. PARTIES

11. Plaintiff Larry A. Burns, D.O., is a doctor of osteopathic medicine who has been providing safe abortion care in Norman, Oklahoma for over four decades at Abortion Surgery Center, his wholly-owned professional corporation. Dr. Burns provides reproductive health care services to women, including surgical and medication abortions, contraception counseling and services, pregnancy testing, and ultrasounds. Abortion Surgery Center is licensed as an abortion facility by the Oklahoma State Department of Health.

12. Defendant Terry L. Cline is the Oklahoma Commissioner of Health. He oversees the Oklahoma State Department of Health, which issues licenses to facilities at which abortions are performed and oversees compliance with the regulation of such facilities. 63 O.S. § 1-706(A), (B)(1); O.A.C. § 310:600-7-3. He is sued in his official capacity.

13. Defendant Greg Mashburn is the District Attorney for Cleveland, Garvin, and McClain counties. He is sued in his official capacity.

14. Both Defendants have a role in the implementation or enforcement of the Act.

IV. THE CHALLENGED STATUTE

15. S.B. 642 was passed by the Legislature and signed by the Governor on June 4, 2015. It contains four separate sections, each of which addresses an entirely different subject. The four sections, respectively, amend title 63, section 1-740.4b, and enact title 63, sections 1-749, 1-749.1, and 1-750 of the Oklahoma Statutes.

16. The Oklahoma Constitution mandates that “Every act of the Legislature shall embrace but one subject, which shall be clearly expressed in its title.” Okla. Const. art. V, §

57. As set forth below, S.B. 642 violates the constitutional prohibition on legislation encompassing multiple subjects.

17. Section 1 of the Act amends the statute that prohibits the use of false or fraudulent documents or representations to evade Oklahoma's requirement that minors seeking an abortion obtain parental consent. S.B. 642 § 1 (codified at 63 O.S. § 1-740.4b). The new provisions further prohibit any person from "aid[ing], abet[ting] or assist[ing]" a minor to obtain an abortion without parental consent, and impose significant civil and criminal penalties. S.B. 642 § 1(A), (D). Section 1 also authorizes the Attorney General, a district attorney, "or any person adversely affected or who reasonably may be adversely affected by such conduct" to enjoin a minor from obtaining an abortion. S.B. 642 § 1(E).

18. Section 2 of the Act creates a new section of the code, 63 O.S. § 1-749, that requires the Oklahoma State Bureau of Investigation to collect fetal tissue recovered from an abortion performed on a minor under the age of 14, for rape investigations. S.B. 642 § 2(A). The Bureau of Investigation is required, under section 2, to promulgate regulations governing the amount and type of tissue to be preserved, the means of preservation of tissue for DNA testing, the documentation of the chain of custody, the creation of forms to collect information, and procedures for tissue disposal. S.B. 642 § 2(A), (B).

19. Section 3 creates a new statutory scheme for the licensing and inspection of abortion facilities. S.B. 642 § 3 (codified at 63 O.S. § 1-749.1). Under this new scheme, the State Board of Health is directed to establish policies and procedures for pre-licensure and re-licensure inspections of abortion facilities, S.B. 642 § 3(A) and to promulgate rules for conducting inspections and investigations pursuant to complaints against abortion facilities, S.B. 642 § 3(B). It also directs the State Department of Health to conduct on-site inspections

before issuing or re-issuing a license. S.B. 642 § 3(A), (B). Section 3 of the Act subjects abortion facilities to unannounced searches, S.B. 642 § 3(C), and deems the facility's application for a license to "constitute[] permission for, and complete acquiescence in, an entry or inspection of the premises during the pendency of the application and, if licensed, during the term of the license." S.B. 642 § 3(D).

20. Section 4 is a new catch-all provision. S.B. 642 § 4 (codified at 63 O.S. §1-750). It provides that a "person who intentionally, knowingly or recklessly violates any provision or requirement of this act, Section 1-729a *et seq.* of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a *et seq.* of Title 63 of the Oklahoma Statutes is guilty of a felony." S.B. 642 § 4(A). It is unclear which precise statutes are included within the term "*et seq.*"

21. It is also unclear whether the State will assert that Section 4 should be read as establishing that an intentional, knowing, or reckless violation of any and all of the abortion statutes starting at Section 1-729a and extending through to Section 1-750 (*i.e.*, more than 140 sections) are to be punished as felonies, an interpretation of the Act that would raise serious constitutional concerns because it would impose felony penalties for, *inter alia*, posting required signage in large but not boldfaced type, or for submitting a form to the Department of Health several days late. *See* 63 O.S. § 1-737.4(B) ("sign required . . . shall be printed with lettering that is legible and shall be at least three-quarters-of-an-inch boldfaced type"); *id.* § 1-738k(C) ("Any physician performing abortions shall fully complete and submit, electronically, an Individual Abortion Form to the State Department of Health by the last business day of the calendar month following the month in which the physician performs an abortion, for each abortion the physician performs.").

22. Additionally, Section 4 provides that any violations of “Section 1-729a *et seq.*” are punishable by penalties and fines up to \$100,000 per day of violation, S.B. 642 § 4(C), and that any person who violates Section 1-729a *et seq.* is “civilly liable to the person or persons adversely affected by the violation or violations,” including damages for psychological and emotional harm and punitive damages. S.B. 642 § 4(G).

23. The hodgepodge character of S.B. 642 stems from its likely origin. Some of the provisions appear to have been lifted from the annual report of the anti-abortion group Americans United for Life (“AUL”). In its annual report, AUL reviewed the existing and recently-passed abortion-related legislation in Oklahoma and recommended that Oklahoma adopt measures related to “evidence retention and remedies for third-party interference with parental rights” and “[e]nhanced penalties and enforcement mechanisms for the state’s abortion-related laws.”¹ Significant portions of the Act’s language are drawn directly from at least two different pieces of AUL model legislation. The Legislature seems to have adopted AUL’s various recommendations in one single bill.²

24. The Act clearly violates the single-subject rule because it encompasses four different subjects: prohibited conduct regarding minors and parental consent for abortion; tissue collection and analysis for statutory rape investigations; inspection and licensing of clinics; and imposition of criminal and civil liability for, potentially, any infraction of the

¹ Americans United for Life, *Defending Life 2015: State Cards—Oklahoma*, 6 (2015), http://aul.org/downloads/defending-life-2015/state-cards/AUL2015_OK.pdf.

² Americans United for Life, *Oklahoma Expands Enforcement Options for Abortion Law Violations, Creates Legal Standards to Hold Sex Offenders Accountable Requiring Abortionists to Protect Young Girls* (June 5, 2015), <http://www.aul.org/2015/06/oklahoma-expands-enforcement-options-for-abortion-law-violations-creates-legal-standards-to-hold-sex-offenders-accountable-requiring-abortionists-to-protect-young-girls/>.

abortion regulations. These multiple subjects are not germane, relative, and cognate to a readily apparent common theme and purpose.

25. Although each provision relates to regulating abortion directly or tangentially, a legislator could reasonably be in favor of tissue preservation for statutory rape investigations, without supporting a potentially draconian expansion of criminal and civil liability for physicians and office staff employed by abortion facilities. Thus, the passage of S.B. 642 was the result of classic logrolling, in violation of the single-subject mandate of the Constitution.

26. Plaintiff seeks (a) a declaration that the Act is unconstitutional, void, and of no effect, and (b) a permanent injunction to ensure that Defendants may not enforce it.

V. CLAIMS FOR RELIEF

First Claim for Relief **(Single-Subject Law)**

27. The allegations of paragraphs 1 through 26 are incorporated as though fully set forth herein.

28. S.B. 642 violates article V, section 57 of the Oklahoma Constitution because it addresses more than one subject.

Second Claim for Relief **(Declaratory Judgment – Unconstitutional and Void)**

29. The allegations of paragraphs 1 through 26 are incorporated as though fully set forth herein.

30. Because the Act violates the Oklahoma Constitution, and declaratory judgment would terminate the controversy giving rise to this proceeding, Plaintiff requests a declaration from this Court stating that the Act is unconstitutional and void. 12 O.S. § 1651.

Third Claim for Relief
(Permanent Injunction)

31. The allegations of paragraphs 1 through 26 are incorporated as though set forth herein.

32. Because the Act violates the Oklahoma Constitution, warranting a declaratory judgment stating that the Act is unconstitutional and void, Defendants should be permanently enjoined from enforcing the Act.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

33. Issue a declaratory judgment that S.B. 642 violates the Oklahoma Constitution and is void and of no effect; and

34. Issue permanent injunctive relief, without bond, restraining Defendants, their employees, agents, and successors in office from enforcing S.B. 642; and

35. Grant such other and further relief as the Court may deem just and proper, including reasonable attorney's fees and costs.

Dated: November 3, 2015

Respectfully submitted,



J. Blake Patton, Oklahoma Bar No. 30673

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**Admitted to practice pro hac vice by order of
the Supreme Court of the State of Oklahoma on
September 28, 2015*

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of November, 2015, a true and correct copy of the foregoing Petition was served via process server on the following:

Oklahoma Office of the Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

Terry L. Cline
Oklahoma Commissioner of Health
Oklahoma State Department of Health
1000 NE 10th Street
Oklahoma City, OK 73117

District Attorney Greg Mashburn
201 S Jones Avenue #300
Norman, OK 73069

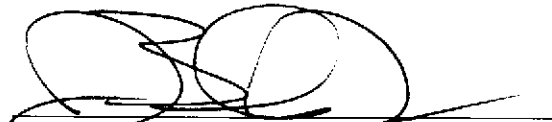

J. Blake Patton, Esq.

Exhibit A

An Act

ENROLLED SENATE
BILL NO. 642

By: Treat, Shortey, Newberry,
and Sharp of the Senate

and

Grau and Ritze of the House

An Act relating to abortion; amending 63 O.S. 2011, Section 1-740.4b, which relates to unlawful acts; broadening grounds for certain unlawful acts; providing for civil liability; permitting awarding of damages for certain violations; specifying grounds for violations; authorizing certain awards for costs and damages; providing certain exclusion; permitting courts to enjoin certain conduct; specifying grounds for certain injunction; requiring physicians to preserve and submit fetal tissue under certain circumstances; providing standards for rules; providing punishments for violations; requiring State Board of Health to establish certain policies and procedures and to promulgate rules; requiring inspections of certain facilities prior to issuance or reissuance of certain license; permitting State Commissioner of Health and designated personnel to enter and inspect certain facilities; providing acquiescence by certain entities for certain purposes; permitting State Commissioner of Health to take certain actions for certain violations; establishing certain felony; providing exemption for certain persons; providing civil penalty; providing that each day of violation constitutes a separate violation; providing certain standards for use by courts in determining imposition of fines; permitting Attorney General and district attorneys to institute legal action for certain purposes; providing for civil liability; stating types of damages that may be awarded; providing for severability; clarifying

references; clarifying language; providing for codification; and providing an effective date.

SUBJECT: Abortion procedure compliance requirements

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-740.4b, is amended to read as follows:

Section 1-740.4b. A. A person who knowingly or recklessly uses a false governmental record or makes a fraudulent representation or statement in order to obtain an abortion for a minor in violation of this act title or intentionally causes, aids, abets or assists an unemancipated minor to obtain an abortion without the consent required by Section 1-740.2 of this title commits a felony.

B. A physician who intentionally or knowingly performs an abortion on a pregnant unemancipated minor in violation of this act title commits a felony.

C. 1. It is a defense to prosecution under subsection B of this section if the person falsely representing himself or herself as the parent or guardian of the minor displayed an apparently valid governmental record of identification such that a reasonable person, under similar circumstances, would have relied on the representation.

2. The defense does not apply if the physician, or agent of the physician, failed to use due diligence in determining the age of the minor or the identity of the person represented as the parent or guardian of the minor.

D. ~~An unemancipated minor, or the parent of the minor, upon whom an abortion has been performed, or attempted to be performed, without complying with this act may maintain a cause of action against the person who performed, or attempted to perform, the abortion~~ A person who knowingly or recklessly uses a false governmental record or makes a fraudulent representation or

statement in order to obtain an abortion for a minor in violation of this title or intentionally causes, aids, abets or assists an unemancipated minor to obtain an abortion without the consent required by Section 1-740.2 of this title or any physician who intentionally or knowingly performs an abortion on a pregnant unemancipated minor in violation of this title shall be civilly liable to the minor and to the person or persons required to give consent pursuant to the provisions of Section 1-740.2 of this title. A court may award damages to the person or persons adversely affected by a violation of this section including compensation for emotional injury without the need for personal presence at the act or event, and the court may further award attorney fees, litigation costs, and punitive damages. Any adult who engages in or consents to another person engaging in a sexual act with a minor, which results in the minor's pregnancy, shall not be awarded damages under this section.

E. A court of competent jurisdiction may enjoin conduct that would be in violation of this section upon petition by the Attorney General, a district attorney or any person adversely affected or who reasonably may be adversely affected by such conduct, upon a showing that such conduct:

1. Is reasonably anticipated to occur in the future; or
2. Has occurred in the past, whether with the same minor or others, and that it is reasonably expected to be repeated.

E- F. It is not a defense to a claim brought pursuant to this section that the minor gave informed and voluntary consent.

F- G. An unemancipated minor does not have the capacity to consent to any action that violates this act title.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-749 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any physician who performs an abortion on a minor who is less than fourteen (14) years of age at the time of the abortion shall preserve, in accordance with rules promulgated by the Oklahoma State Bureau of Investigation, fetal tissue extracted during such

abortion. The physician shall submit the tissue to the Oklahoma State Bureau of Investigation.

B. The Oklahoma State Bureau of Investigation shall adopt rules to implement the provisions of this section. Such rules shall contain, at a minimum:

1. The amount and type of fetal tissue to be preserved and submitted by a physician pursuant to the provisions of this section;
2. Procedures for the proper preservation of such tissue for the purposes of DNA testing and examination;
3. Procedures for documenting the chain of custody of such tissue for use as evidence;
4. Procedures for the proper disposal of fetal tissue preserved pursuant to this section;
5. A uniform reporting form mandated to be utilized by physicians when submitting fetal tissue under this section, which shall include the name and address of the physician submitting the fetal tissue and the name and complete address of residence of the parent or legal guardian of the minor upon whom the abortion was performed; and
6. Procedures for communication with law enforcement regarding evidence and information obtained pursuant to this section.

C. Failure of a physician to comply with any requirement of this section or any rule adopted thereunder:

1. Shall constitute unprofessional conduct pursuant to the provisions of Section 509 of Title 59 of the Oklahoma Statutes; and
2. Is a felony.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-749.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Health shall establish policies and procedures for conducting pre-licensure and re-licensure inspections of abortion facilities. Prior to issuing or reissuing a license, the Department shall conduct an on-site inspection to ensure compliance with the rules promulgated by the Board.

B. The Board shall promulgate rules for conducting inspections and investigations pursuant to complaints received by the State Department of Health and made against any abortion facility. The Department shall receive, record, and dispose of complaints in accordance with established policies and procedures.

C. If the State Commissioner of Health determines that there is reasonable cause to believe a licensee, licensed abortion facility or abortion facility that is required to be licensed in this state is not adhering to the requirements of Section 1-729a et seq. of Title 63 of the Oklahoma Statutes, local fire ordinances or rules or any other law, administrative rule or regulation relating to abortion, the Commissioner and any duly designated employee or agent of the Commissioner including employees of county or city-county health departments and county or municipal fire inspectors, consistent with standard medical practices, may enter on and into the premises of the licensee, licensed abortion facility or abortion facility that is required to be licensed in this state during regular business hours of the licensee or abortion facility to determine compliance with the provisions of Section 1-729a et seq. of Title 63 of the Oklahoma Statutes, local fire ordinances or rules, and any other law, administrative rule or regulation relating to abortion.

D. An application for a license to operate a private office, freestanding outpatient clinic or other facility or clinic in which abortions are performed constitutes permission for, and complete acquiescence in, an entry or inspection of the premises during the pendency of the application and, if licensed, during the term of the license.

E. If an inspection or investigation conducted pursuant to this section reveals that an applicant, licensee or licensed abortion facility is not adhering to the requirements of this section, the provisions of Title 1-729a et seq. of Title 63 of the Oklahoma Statutes, local fire ordinances or rules and any other law,

administrative rule or regulation relating to abortion, the Commissioner may take action to deny, suspend, revoke or refuse to renew a license to operate an abortion facility.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-750 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A person who intentionally, knowingly or recklessly violates any provision or requirement of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes is guilty of a felony.

B. No criminal penalty may be assessed against the pregnant woman upon whom the abortion is performed for a violation of any provision or requirement of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes.

C. Any violation of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes may be subject to a civil penalty or a fine up to One Hundred Thousand Dollars (\$100,000.00).

D. Each day of violation shall constitute a separate violation for purposes of assessing civil penalties or fines.

E. In deciding whether and to what extent to impose fines, a court shall consider the:

1. Gravity of the violation or violations including the probability that death or serious physical harm to a patient or individual will result or has resulted;

2. Size of the population at risk as a consequence of the violation or violations;

3. Severity and scope of the actual or potential harm;

4. Extent to which the provisions of the applicable statutes or regulations were violated;

5. Indications of good faith exercised by the licensee, abortion facility or the person performing the abortion;

6. Duration, frequency, and relevance of any previous violations committed by the licensee, abortion facility or person performing the abortion; and

7. Financial benefit to the abortion facility or person performing the abortion from committing or continuing the violation or violations.

F. The Office of the Attorney General and a district attorney for the county in which the violation or violations occurred may institute a legal action to enforce collection of civil penalties or fines.

G. Any person who violates this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes shall be civilly liable to the person or persons adversely affected by the violation or violations. A court may award damages to the person or persons adversely affected by any violation of this act, Section 1-729a et seq. of Title 63 of the Oklahoma Statutes or any rule or regulation adopted under Section 1-729a et seq. of Title 63 of the Oklahoma Statutes including compensation for emotional, physical, and psychological harm; attorney fees, litigation costs, and punitive damages.

H. The provisions of this act are severable, and if any part or provision shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

I. If some or all of the newly amended provisions of this act resulting from the actions taken by the 2015 Session of the Oklahoma Legislature are ever temporarily or permanently restrained or enjoined by judicial order, this act shall be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent

restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

J. The Oklahoma State Bureau of Investigation and the State Board of Health shall promulgate rules to implement the provisions of this act.

SECTION 5. This act shall become effective November 1, 2015.

Passed the Senate the 22nd day of May, 2015.

Arthur Dink
Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2015.

Lee R. Dancy
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of May, 20 15, at 8:08 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 4th
day of June, 20 15, at 3:04 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 4th
day of June, 20 15, at 5:19 o'clock P M.
By: Chris Messer

Exhibit B



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

LARRY A. BURNS, D.O.,

Petitioner,

v.

TERRY L. CLINE, in his official capacity
capacity as Oklahoma Commissioner of
Health and GREG MASHBURN, in his
official capacity as District Attorney for
Cleveland, Garvin and McClain Counties,

Respondents.

No. 114,312

FILED
SUPREME COURT
STATE OF OKLAHOMA

OCT 28 2015

MICHAEL S. RICHIE
CLERK

Rec'd (date)	10/28/15
Posted	PE
Mailed	PE
Distrib	PE
Publish	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

CORRECTED ORDER

Original jurisdiction is assumed. The enforcement of Senate Bill 642, which amends 63 O.S. §1-740.4b, and enacts 63 O.S. §§1-749, 1-749.1 and 1-750, is stayed for 30 days from the date of this order. If, within that 30 days, the petitioner files a petition for declaratory and injunctive relief in the Oklahoma County District Court, and notifies this Court of the filing of the petition, the stay shall continue in effect. If no petition is filed, the stay shall be dissolved.

This Court does not express any opinion on the constitutionality of Senate Bill 642 at this time.

DONE BY THE ORDER OF THE SUPREME COURT IN CONFERENCE
THIS 26th DAY OF OCTOBER, 2015.

CHIEF JUSTICE

ALL JUSTICES CONCUR