

STATE LEGAL SNAPSHOT

Oklahoma

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



Abortion is banned at every stage of pregnancy — availability: severely restricted.

GESTATIONAL LIMIT	Total ban	AVAILABLE	Severely restricted	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
TELEHEALTH	Not allowed	WAITING PERIOD	72 hours	RAPE / INCEST EXCEPTION	No	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Oklahoma enforces a pre-Roe ban (21 Okla. Stat. § 861) that prohibits all abortion except when necessary to preserve the pregnant woman's life, with no rape or incest exception.

Okla. Stat. tit. 21, § 861 · Okla. Call for Reprod. Justice v. Drummond, 2023 OK 24, 526 P.3d 1123

▣ Fetal personhood & the internal contradiction

Oklahoma law contains deep internal contradictions on fetal personhood. The homicide code defines the unborn from conception as a 'human being' whose killing is homicide (21 § 691), yet the same statute explicitly carves out 'legal abortion to which the pregnant woman consented' (21 § 691(C)(1)). At present, however, the only 'legal abortion' in Oklahoma is one necessary to preserve the woman's life — meaning the homicide code effectively treats all other abortions as potential homicides, but only for the provider, never the mother (§ 691(D)).

Okla. Stat. tit. 21, § 691 · Okla. Stat. tit. 63, § 1-730(A)(4)

MINORS

A minor must obtain the notarized written consent of one parent at least 48 hours before an abortion; a judicial bypass is available.

SPOUSAL / PATERNAL RIGHTS

Oklahoma has no statute requiring spousal consent, paternal consent, or spousal notice for abortion; a 2017 legislative proposal (HB 1441) that would have required written father consent did not pass.

▣ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (abortion provider)	Performing an unlawful abortion (21 § 861)	Class D1 felony; sentencing per 21 § 20N; separate provisions allow up to 10 years imprisonment and \$100,000 fine under the enjoined § 1-731.4; license revocation as unprofessional conduct (59 § 509(20)); civil wrongful-death liability (12 § 1053(F))
Physician violating board-certification requirement	Performing abortion without OB/GYN board certification (63 § 1-731, enjoined requirement)	Class D2 felony, 1-3 years imprisonment and/or fine (effective Jan. 1, 2026 per HB 2104); currently Class D2 under 2025 amended statute
Physician providing medication abortion via telemedicine	Failing to be physically present when dispensing abortion-inducing drugs (63 § 1-729.1)	Felony (63 § 1-729.2); specific penalty to be confirmed
Any person trafficking abortion-inducing drugs	Knowingly possessing or delivering abortion-inducing drugs to someone intending an unlawful abortion (HB 1168, 2026)	Felony; specific penalty class to be confirmed from enrolled bill
Pregnant woman	No offense for seeking, obtaining, or self-inducing abortion	None; expressly exempt under AG Opinion 2023-12 and 21 § 691(D); cannot be charged

Recent changes

- May 2026** HB 1168 (2025-2026 session), creating a felony offense for trafficking abortion-inducing drugs, was signed into law by Governor Stitt.
- Nov 2025** HB 2104 (2025 session) amendments to multiple abortion statutes take effect January 1, 2026, reclassifying violations of 63 §§ 1-731, 1-733, and 1-737.9 as Class D2 felonies (1-3 years imprisonment).
- Jul 2025** Governor Stitt issued Executive Order 2025-16, directing all state agencies to cease public funding for any individual or organization affiliated with abortion providers, requiring SoonerCare providers to sign an abortion-activity attestation, and ordering OHCA to implement new provider-qualification standards within 120 days.
- Mar 2024** Oklahoma Supreme Court dismissed the appeal in Tulsa Women's Reproductive Clinic LLC v.
- Nov 2023** Oklahoma Supreme Court decided Oklahoma Call for Reproductive Justice v. Drummond, 2023 OK 111, temporarily enjoining three 2021 laws: S.B.
- Nov 2023** Oklahoma Attorney General issued Opinion 2023-12, stating that 'Oklahoma law does not permit the charging of a pregnant woman with a misdemeanor or felony for seeking or intentionally performing or inducing an abortion on herself.'
- May 2023** Oklahoma Supreme Court decided Oklahoma Call for Reproductive Justice v. State, 2023 OK 60, declaring S.B. 1503 (six-week civil-enforcement ban) and H.B.

Pending changes to watch

Oklahoma Call for Reproductive Justice v. Drummond (2023 OK 111)

Litigation · Temporary injunction in effect; trial on permanent injunction pending.

If the temporary injunction is dissolved, Oklahoma's board-certification requirement for abortion providers, additional medication abortion restrictions (including 72-hour advance ultrasound), and new reporting requirements would take full effect, further restricting the remaining narrow pathway for life-preserving abortion.

HB 2104 (2025) — effective January 1, 2026

Legislation · Enacted; takes effect January 1, 2026. Reclassifies abortion-related offenses as Class D2 felonies.

Will make violations of 63 §§ 1-731 (unauthorized performance), 1-733 (general prohibition), and 1-737.9 (D&E ban) Class D2 felonies, carrying 1-3 years imprisonment. Standardizes and increases penalty clarity.

HB 1168 (2025-2026 session) — Abortion Pill Trafficking

Legislation · Signed into law by Governor Stitt, May 2026.

Creates a new felony for trafficking abortion-inducing drugs (mifepristone, misoprostol, methotrexate) to someone intending an unlawful abortion.

Key authorities

Pre-Roe Abortion Ban Okla. Stat. tit. 21, § 861

Oklahoma's operative total ban: criminalizes abortion as a Class D1 felony except when necessary to preserve the pregnant woman's life.

Abortion Definitions Okla. Stat. tit. 63, § 1-730

Defines 'abortion,' 'unborn child' from conception, and 'inducing an abortion' — controlling the scope of all Oklahoma abortion restrictions.

Fetal Homicide Statute Okla. Stat. tit. 21, § 691

Treats an unborn child from conception as a 'human being' for homicide purposes while exempting legal abortion and the mother.

Medication Abortion In-Person Requirement Okla. Stat. tit. 63, § 1-729.1

Requires physician to be physically present in same room when dispensing abortion-inducing drugs, effectively banning telemedicine.

Parental Consent for Minors Okla. Stat. tit. 63, § 1-740.2

Requires one parent's notarized written consent and 48-hour waiting period before a minor's abortion.

Generated from the structured legal focused deep-research record for OK (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full Oklahoma survey. This document has not been reviewed by a lawyer and should not be used as legal advice.