

ENGROSSED SENATE
BILL NO. 353

BY: HOBSON and SNYDER of the
SENATE

and

MAXEY and HOLT of the HOUSE

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY;
AUTHORIZING REMOVAL OR RELEASE OF CERTAIN TISSUE;
STATING CONDITIONS FOR REMOVAL OF CERTAIN TISSUE;
STATING THAT CERTAIN PERSONS SHALL NOT INCUR CIVIL
LIABILITY NOR BE SUBJECT TO CRIMINAL PROSECUTION
FOR CERTAIN ACTS; PROVIDING FOR CODIFICATION; AND
DECLARING AN EMERGENCY.

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 2210.1 of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, the Chief
Medical Examiner, any County Medical Examiner, or any other person
authorized by law to conduct an autopsy may, in the course of an
autopsy, remove and release or authorize the removal or release of
corneal eye tissue from a body within the custody of such person, if
all the following conditions are met:

1. The autopsy is authorized by law;

2. The person performing the autopsy has made a reasonable attempt to contact the next of kin and has no knowledge of any objection to the removal or release of corneal tissue having been made by the decedent, or the next of kin of the decedent;

3. The removal or release of such tissue will not interfere with the autopsy;

4. The tissue will be removed by a person qualified under, and as specified by, Section 2210 of Title 63 of the Oklahoma Statutes; and

5. The tissue will be released to a public or nonprofit facility for transplant, therapeutic or scientific purposes.

B. Under such circumstances, neither the person removing or releasing the corneal tissue, nor any hospital, medical center, tissue bank, storage facility, or person acting upon the request, order or direction of such person in the removal or release of the corneal tissue pursuant to this section, shall incur civil liability for such removal or release in an action brought by any person who did not object prior to the removal or release of the corneal tissue, or be subject to criminal prosecution for the removal or release of such corneal tissue pursuant to the provisions of this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 5th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker

of the House of
Representatives