

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1192

By: Webb

AS INTRODUCED

An Act relating to crimes and punishments; providing certain requirements for the disposition of the remains of an unborn human being; defining certain terms; authorizing laboratory tests for certain purposes; requiring the promulgation of emergency rules; establishing a reporting service for persons and entities which perform abortions; providing penalties; 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 1169.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No person, hospital, or related institution as such term is defined by Section 1-701 of Title 63 of the Oklahoma Statutes or physician licensed to practice medicine pursuant to Chapter 11 or Chapter 13 of Title 59 of the Oklahoma Statutes shall provide for the disposition of the remains of an unborn human being resulting from an abortion, whether induced or occurring accidentally or spontaneously, other than by the dignified and sanitary disposal by cremation, interment by burial, or release of the remains to family members for appropriate disposition by donation, burial, or

cremation. For the purposes of this section, the term "remains of an unborn human being" means the remains of the dead offspring of a human being after an abortion, whether the remains have been obtained by induced, spontaneous, or accidental means. The person, physician, hospital, or related institution may complete laboratory tests necessary for the health of the woman or her future offspring or for purposes of a criminal investigation or determination of parentage prior to disposing of the remains.

B. By July 1, 1993, the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners, for physicians or employees or agents of physicians, and the Oklahoma State Board of Health, for hospitals and related institutions licensed by the Oklahoma State Department of Health, in conjunction with the District Attorneys Council, shall promulgate emergency rules:

1. Providing for the dignified, sanitary, and timely disposition of the remains of an unborn human being by cremation, interment by burial, or release to family members; and

2. Establishing a reporting service for the person, physician, hospital, or related institution which performs the abortion to the appropriate licensing board or agency including, but not limited to, information regarding the abortion date, reason for the abortion, method of disposal of the remains of the unborn human being, weight of the remains of the unborn human being, age of the mother, medical condition of the mother immediately after the abortion, medical complications arising during the abortion, gestational age of the unborn human being, the physician's name, address, and license, and such other information as the appropriate licensing board or agency deems necessary or which may be necessary for investigation by the appropriate authorities. The person, physician, hospital, or related institution shall keep similar records, as established by the standards and rules, such records being maintained in permanent

files for a period of not less than seven (7) years. There shall also be established a filing fee, not to exceed Fifty Dollars (\$50.00) per report, for such reporting service. Any person failing to submit a report required by this section or any rule or regulation promulgated pursuant thereto shall be liable for an assessment of an administrative penalty of One Hundred Dollars (\$100.00) per incident.

C. 1. Any person convicted of violating the provisions of this section regarding the dignified and sanitary disposal of the remains of an unborn human being by cremation, interment by burial, or release to family members shall be guilty of a felony, and shall be punished by imprisonment in the State Penitentiary for not more than five (5) years or by a fine not to exceed Ten Thousand Dollars (\$10,000.00) or by both such fine and imprisonment.

2. The violation of the provisions of this section or any rule promulgated by the Oklahoma State Board of Health related to the disposal of fetal remains by any hospital or related institution licensed by the Oklahoma State Department of Health shall be grounds for suspension or withdrawal of the license so issued to such hospital or related institution.

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.

44-1-6038

AJM