

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1193

By: Vaughn (Ray)

AS INTRODUCED

An Act relating to crimes and punishments; amending Section 2, Chapter 355, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1169), which relates to the disposal of human tissue; clarifying language; providing for disposal of remains of a human fetus; providing for rules and standards; making certain actions unlawful; providing for certain content; specifying penalties; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 355, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1169), is amended to read as follows:

Section 1169. A. The State Board of Health is hereby directed to immediately promulgate rules and regulations for the proper disposition of human tissue by medical facilities over which the Board has jurisdiction.

B. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall immediately promulgate rules and regulations for the proper disposition of human tissue by physicians, their employees or agents.

C. The State Board of Health, the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall cooperatively establish uniform rules and regulations so as to provide consistency for the proper disposition of human tissue.

D. Any person violating any rule or regulation established pursuant to subsections A or B of this section relating to the disposition of human tissue shall, upon conviction, be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00).

E. The disposition of the remains of a human fetus shall be governed by Section 2 of this act.

SECTION 2. 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 a human fetus, resulting from an abortion, whether induced or occurring accidentally or spontaneously, except through cremation, interment by burial, or release of the remains to family members for appropriate burial, cremation or other disposition in a dignified and sanitary manner. For the purposes of this section, the term "remains of a human fetus" means the remains of the dead offspring of a human being that has reached a stage of development so that there are cartilaginous structures, fetal or skeletal parts after an abortion or miscarriage, whether or not the remains have been obtained by induced, spontaneous, or accidental means.

B. 1. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall immediately promulgate emergency rules for the proper disposition of the remains

of a human fetus by physicians or by employees or agents of the physician. The disposition of remains of a human fetus by hospitals and related institutions licensed by the Oklahoma State Department of Health shall be subject to rules promulgated by the Oklahoma State Board of Health for such disposition.

2. The Oklahoma State Board of Health shall immediately promulgate rules for the disposition of remains of a human fetus by hospitals, related institutions and laboratories.

C. The standards developed by the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners and any rules promulgated by the Oklahoma State Board of Health relating to disposition of the remains of a human fetus shall provide for the handling and disposition of the remains of a human fetus and shall allow for the release of remains to family members for appropriate burial, cremation or other disposition in a dignified and sanitary manner.

D. The State Board of Medical Licensure and Supervision, the State Board of Osteopathic Examiners and the Oklahoma State Board of Health shall cooperatively establish uniform rules so as to provide policy, enforcement and programmatic consistency for any such handling and disposal of the remains of a human fetus.

E. 1. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine not to exceed One Thousand Dollars (\$1,000.00) or by both such fine and imprisonment.

2. The violation of the provisions of this section or any rule or regulation promulgated by the Oklahoma State Board of Health related to the disposal of the remains of a human fetus by any hospital or related institution licensed by the Oklahoma State Department of Health shall be grounds for appropriate disciplinary measures including but not limited to suspension or withdrawal of

the license so issued to such person, hospital or related institution.

SECTION 3. This act shall become effective September 1, 1993.

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