

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE JOINT  
RESOLUTION NO. 1034

By: Webb

AS INTRODUCED

A Joint Resolution disapproving a rule of the State Board of Medical Licensure and Supervision relating to disposal of human tissue; directing distribution; and declaring an emergency.

WHEREAS, on October 20, 1992, the Oklahoma State Board of Medical Licensure and Supervision submitted to the Legislature permanent Rule 435:10-7-9 relating to disposal of human tissue; and

WHEREAS, Rule 435:10-7-9 does not reflect the intent of the Oklahoma Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. Rule 435:10-7-9 providing for the disposal of human tissue is hereby disapproved by the Oklahoma State Legislature. The language of Rule 435:10-7-9 which is disapproved by this resolution reads as follows:

"(a) The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) "Conviction" means a finding, by the Board, that a physician did violate any provision of this Section.

(2) "Human tissue" means all parts of the human body recognizable as such without the use of specialized equipment.

(3) "Physician" means a person licensed under the provisions of Title 59 O.S., Section 481 et seq.

(b) All human tissue, which is collected in the course of the diagnosis and/or treatment of any human condition by a doctor of allopathic medicine, his employee or agent, must be handled in one of the following ways:

(1) Sent for analysis and possible retention as a surgical specimen;

(2) Sent for autopsy;

(3) Sent for embalming and burial in accordance with accepted interment standards; or

(4) Sent for disposal by incineration in a pathological incinerator in the same manner as hazardous medical waste is handled under the applicable state statutes, rules and regulations.

(c) Nothing herein shall preclude the doctor's right to use human tissue for the treatment of disease or injury. Likewise, the doctor shall have the right to assist in arranging appropriate donations through the processes of the Anatomical Board, under the provisions of the Anatomical Gift Act or the preservation of human tissue for other legitimate educational purpose in any accredited educational endeavor.

(d) In no event shall any person knowingly dispose of any human tissue in a public or private dump, refuse or disposal site or place open to public view.

(e) Any allopathic physician who violates or whose employees or agents violate this Section shall, upon conviction in a hearing before the Board, be fined an amount not to exceed Ten Thousand Dollars (\$10,000).

(f) A presumption of compliance occurs once the attending physician has executed one of these methods of handling and his responsibility is deemed fulfilled. In no event shall the allopathic physician be responsible for the acts or omissions of any

other licensed professional, independent contractor or other indirect assistant incidental to the ultimate disposal of human tissue by any of the designated methods."

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the State Board of Medical Licensure and Supervision and the editor of "The Oklahoma Register".

SECTION 3. 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 resolution shall take effect and be in full force from and after its passage and approval.

44-1-6498

AJM