

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2606

By: Calvey

AS INTRODUCED

An Act relating to crimes and punishments; requiring certain entities and facilities to provide for the disposal of the remains of an unborn human being; providing for certain disposal methods; requiring promulgation of rules; providing penalty; providing for withdrawal of certain licenses or authorizations; defining term; 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 1170 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. 1. 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 14 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 burial, or cremation, in a dignified and sanitary manner, or release of the remains to family members for appropriate burial, cremation, or other disposition.

2. 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, 2000, the State Board of Medical Licensure and Supervision and the State 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, shall immediately promulgate emergency rules 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.

C. 1. Any person who violates 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 deemed guilty of a felony, and upon conviction thereof, 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 State Board of Medical Licensure and Supervision or by the State Osteopathic Examiners by any physician, physician's assistant, or employee or agent of such physician on behalf of such physician shall be grounds for suspension or withdrawal of any license or other authorization issued to such physician or physician's assistant by the appropriate board.

3. 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.

D. 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.

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.

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