

ENGROSSED SENATE  
BILL NO. 1589

By: Wilkerson of the Senate  
and  
Plunk of the House

[ public health and safety - medicolegal investigations -  
drug screens - authorization - codification -  
effective date ]

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 948, is amended to read as follows:

Section 948. A. For each investigation or partial investigation in which the medical examiner is relieved by the Chief Medical Examiner or a designee, the medical examiner shall receive compensation for such services as provided in the rules approved and promulgated by the Board of Medicolegal Investigations, from funds appropriated to the Board of Medicolegal Investigations. Where, in the opinion of the Chief Medical Examiner, it is necessary to designate a consultant pathologist to perform an autopsy, such pathologist shall be entitled to a reasonable fee. Such fees shall be payable from funds appropriated to the Board of Medicolegal Investigations.

B. The Office of the Chief Medical Examiner shall store biological specimens in the control of the Office for the potential purpose of independent analyses in matters of civil law, only upon receipt of a written request for such storage and payment of a storage fee. The fee shall be paid by the person requesting storage to the Office of the Chief Medical Examiner. The Board shall promulgate rules establishing a fee for storage of such biological specimens which shall not exceed One Hundred Dollars (\$100.00) per

year. All fees collected pursuant to the provisions of this subsection shall be deposited to the credit of the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund.

C. 1. When it is within the physical and technical capability of the agency, the Office of the Chief Medical Examiner (OCME) is specifically authorized to perform drug screens on specimens in the custody of the OCME when requested by a legally appropriate outside agency or party.

2. This authorization shall only apply to specimens on cases already within the jurisdiction of the OCME and when the requested analyses are deemed by the Chief Medical Examiner or Deputy Chief Medical Examiner to be unnecessary to the state's formal investigation of the case.

3. The Board of Medicolegal Investigations shall promulgate rules for establishing a fee for these services. All fees collected pursuant to the provisions of this subsection shall be deposited to the Chief Medical Examiner Toxicology Laboratory Revolving Fund.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 948.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Board of Medicolegal Investigations may establish a system of fees to be charged for forensic services rendered to members of the public.

1. No schedule of fees may be established or amended by the Board except during such time as the Legislature is in session; provided, the Board may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule of fees has been specifically authorized by the Legislature or has been approved by the Contingency Review Board. The Board of Medicolegal Investigations shall follow the procedures required by Article One of the Administrative Procedures Act for adoption of rules and establishing or amending any such schedule of fees; and

2. The Board shall charge fees only within the following ranges, except as otherwise specified in this section:

- a. for permit issuance: One Hundred Dollars (\$100.00) to Two Hundred Dollars (\$200.00),
- b. for forensic science service: One Hundred Dollars (\$100.00) to Three Thousand Dollars (\$3,000.00),
- c. for report copies: Ten Dollars (\$10.00) for report of investigation, including toxicology, and Twenty Dollars (\$20.00) for an autopsy report, including toxicology,
- d. for x-rays: Fifteen Dollars (\$15.00) each, microscopic slides, Hematoxilyn and Eosin (H&E), Ten Dollars (\$10.00) each, special stains, Fifteen Dollars (\$15.00) each, and photographs, Twenty-five Dollars (\$25.00) per computer diskette (CD).

B. The Board's authority to establish such a fee schedule shall extend to all programs administered by the Chief Medical Examiner and the Board of Medicolegal Investigations.

C. The Board shall base its schedule of permit fees or forensic science service fees upon the reasonable costs of review, investigation or forensic science service delivery; provided, however, such base shall be within the ranges specified in subsection A of this section, except as may be otherwise specified in this section. The Board of Medicolegal Investigations shall continue a system of basic and continuing educational service and training for all personnel who render such services in order to ensure uniform statewide application of the rules of the Board. The Board shall also base the fee on consideration of reasonable costs associated with the training and continuing education of those personnel as indicated above.

D. The Board may exempt by rule any class of individual from the requirements of the fee schedule if the Board determines that

the creation of such a fee schedule for any such individual would cause an unreasonable economic hardship or if the request directly pertains to material needed by another public agency in carrying out its statutory responsibilities.

E. All statutory fees currently in effect for permits or forensic science services administered by the Chief Medical Examiner and the Board of Medicolegal Investigations within the jurisdiction of the Office of the Chief Medical Examiner shall remain in effect until such time as the Board acts to implement new schedules pursuant to the provisions of this act.

SECTION 3. This act shall become effective November 1, 2004.

Passed the Senate the 25th day of February, 2004.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2004.

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Presiding Officer of the House  
of Representatives