

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL 1311

By: Crain

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 91, 92, 93, 94, 95, 96, 97 and 98, which relate to the State Anatomical Board; extending the State Anatomical Board; modifying language; authorizing the State Anatomical Board to designate certain agents; authorizing the State Anatomical Board to appoint executive director; requiring certain expenditures by specified agents; modifying record keeping requirements; authorizing certain cremation; modifying notification requirement; permitting acceptance or denial of certain unclaimed bodies; modifying provisions for burial at public expense; authorizing certain request by the Chief Medical Examiner; deleting requirement for certain permanent record; requiring certain states to return specified cremains; repealing 63 O.S. 2001, Section 98.1, which relates to the Anatomical Board Fund; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 91, is amended to read as follows:

Section 91. There is hereby re-created, to continue until July 1, ~~2006~~ 2012, in accordance with the provisions of the Oklahoma Sunset Law, an ~~official~~ oversight Board to be known as the State Anatomical Board, to be composed of the following members: The Deans or their designee of each accredited medical school and osteopathic medical school within the State of Oklahoma, the persons heading the Department of Anatomy, or comparable department, in the medical and osteopathic medical schools or their designee and two (2) persons appointed jointly by the presidents of institutions of higher education within the state which have educational programs other than medical which require on a regular basis human anatomical

materials, provided that these programs have been approved by the State Regents for Higher Education. It shall be the duty of the State Anatomical Board to designate agents to provide for the collection, preservation, storage, distribution, delivery, recovery from users, cremation and final disposition of all dead human bodies used for health science education and research in the State of Oklahoma. The Board shall elect from its membership a chairperson who shall perform such other duties as the Board may prescribe by rule. The ~~said~~ Board shall have full power to establish rules ~~and regulations~~ for its government, ~~and~~ to appoint and remove officers, and to appoint an executive director who shall keep full and complete minutes of its transactions and manage the affairs of the Board. ~~Each member of the Board shall receive necessary travel expenses incurred in the discharge of official duties pursuant to the State Travel Reimbursement Act. The Executive Director of the Board shall receive annual compensation to be fixed by the Board.~~ The expenditures authorized in this section shall not be a charge against the state, but shall be paid ~~from~~ by the ~~Anatomical Board Fund~~ agent designated by the Board to receive, store, issue, and cremate human anatomical materials. Records shall also be kept, ~~under its directions,~~ by the agent of all bodies received and distributed ~~by said Board, and of the institutions to which the same may be distributed, which minutes and records shall be open at all times to the inspection of each member of said Board or any district attorney within this state~~ for the period of time authorized by the Records Disposition Schedule. The name of ~~said~~ the oversight Board ~~of distribution~~ shall be the State Anatomical Board ~~of the State of Oklahoma~~, hereinafter called the Anatomical Board. The Anatomical Board may, in its discretion, exempt any county, district, or institution from the provisions of this act in any calendar year for any length of time.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 92, is

amended to read as follows:

Section 92. ~~The warden, superintendent or administrator of any state, county or municipal institution and any other state, county, or municipal officer in whose custody shall come~~ In the event that the body of any deceased person, ~~required to be buried or cremated at public expense,~~ shall enter into the custody of a government official, such as a warden, superintendent, administrator or officer of any state, county or municipal office, the government official shall use reasonable effort to ascertain, ~~if said the~~ deceased person has any relative, friend or other representative who will assume charge of ~~said the~~ body for burial or cremation at his or her expense, ~~and if~~ If such effort ~~shall~~ does not result in the discovery of a claimant within twenty-four (24) hours after death, ~~said superintendent, warden, or other official or person enumerated above, shall immediately~~ the government official may notify said the Anatomical Board or ~~such person or persons as may from time to time be designated by said Board as its duly authorized officer or the Board's agent, whenever such unclaimed body or bodies come to his or their possession, charge or control and.~~ The government official shall, without fee or reward, surrender, except as otherwise specifically provided by law, such unclaimed body or bodies to the Anatomical Board, Board's agent and permit and suffer the said Board or its agents to take and remove all such unclaimed bodies to be used for the advancement of medical and anatomical sciences. Such notices shall be given to the said Anatomical Board in all cases The Anatomical Board or the Board's agent may accept or decline such unclaimed bodies, but no such body shall be delivered if:

1. any relative, by blood or marriage, ~~shall~~ has previously ~~claim~~ claimed the body for burial or cremation at the expense of such relative, ~~but in that~~ which event the body shall be surrendered to ~~said the~~ claimant for interment burial or cremation;

2. ~~any warden, superintendent or administrator of any state, county or municipal institution or other state, county or municipal government~~ official is authorized pursuant to statutory law of this state to bury or cremate such body; or

3. any representative of a fraternal society of which the deceased was a member, ~~or a representative of any a~~ charitable organization, or ~~if any~~ friend of ~~such~~ the deceased, ~~shall claim~~ has claimed the ~~said~~ body for burial prior to delivery to the ~~Board~~ Board's agent. ~~Said~~ In such event, the burial ~~to~~ shall be at the expense of ~~such~~ the fraternal society, charitable organization ~~or,~~ friend ~~or,~~ institution or official.

~~In case of the death of any person whose body is required to be buried at public expense, and the duly authorized officer or agent of the Anatomical Board deems such body unfit for anatomical purposes or the Anatomical Board does not need said body, he shall notify in writing the county commissioners, or such other agency as may be in charge of the poor persons, of the county in which such person died, who shall direct some person to take charge of the body of such deceased indigent person, and cause it to be buried, and draw warrants upon the treasurer of such county as provided by law for the payment of such expenses, or upon other funds so provided. No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the Anatomical Board to the effect that such unclaimed body is unfit for anatomical purposes, by reason of decomposition or contagious disease, or is not needed by the Anatomical Board, and that the provisions of this act have been complied with. The county commissioners shall, upon request of any relative of deceased to be buried at public expense, with consent of county health officer in writing, cause the said body to be buried at public expense; but the Anatomical Board must be notified in~~

~~writing in all such cases within seventy two (72) hours after death of indigent person. Whenever through the failure of any person to deliver the body of a deceased indigent as required by this act, such unclaimed body shall become unfit for anatomical purposes, and is so certified by the duly authorized officer or agent of said Anatomical Board, such body shall be buried in accordance with the provisions of this act; and the person so failing to deliver such unclaimed body shall pay to the county treasurer the expense so incurred, and upon the refusal or failure of such person on demand, to pay such expense, the county commissioners or such other agency as may be in charge of the poor persons, may bring suit to recover the same, and the same may be recovered as debts of like amount are by law collectable.~~

SECTION 3. AMENDATORY 63 O.S. 2001, Section 93, is amended to read as follows:

Section 93. It is ~~hereby declared~~ unlawful for any person or persons to ~~hold~~ perform an autopsy on any dead human body mentioned in this article, except ~~on~~ at the request of the Chief Medical Examiner or a district attorney of the county where such body is located, without the written, telegraphic or telephonic consent of the ~~secretary~~ executive director of the ~~said~~ Anatomical Board, or the Board's agent. Such telegraphic or telephonic consent ~~to~~ shall be verified by written consent.

SECTION 4. AMENDATORY 63 O.S. 2001, Section 94, is amended to read as follows:

Section 94. A. The Anatomical Board of the State of Oklahoma, or its duly authorized agent, shall take and receive such unclaimed or donated bodies ~~so delivered as aforesaid, and after holding said bodies for a period of thirty (30) days to determine whether claimant for said bodies shall arise, shall distribute and deliver said unclaimed or donated bodies~~ and distribute them on requisition to and among ~~the institutions aforesaid,~~ to be used for anatomical

purposes as ~~such institutions shall determine~~ approved by the Anatomical Board. Unclaimed bodies shall be held for thirty (30) days before being issued for use.

B. Any donee receiving a whole body donation from any source shall have approval from the Board prior to receiving such donation.

C. ~~Upon determination by the Board that the number of bodies available exceeds the needs of authorized institutions in this state, the Board may distribute and deliver~~ Should the number of bodies available exceed the needs of authorized institutions in this state, excess bodies which would otherwise qualify for anatomical purposes in this state may be issued to authorized institutions in other states.

SECTION 5. AMENDATORY 63 O.S. 2001, Section 95, is amended to read as follows:

Section 95. After an unclaimed body has been received by the ~~said Anatomical Board or its duly authorized~~ Board's agent, and has been preserved and stored, ~~said the~~ the body may be claimed within thirty (30) days after death, by relatives, friends, fraternal or charitable organizations, for burial or cremation, at the expense of ~~said the~~ the claimant, and the body shall thereupon be surrendered to such claimant. ~~Provided, that if~~ If a body is claimed for burial or cremation, whether by a private person, organization or a county, and the body was embalmed at the expense of the ~~Board~~ agent, the claimant shall reimburse the ~~Anatomical Board~~ agent for the cost of embalming and transportation.

SECTION 6. AMENDATORY 63 O.S. 2001, Section 96, is amended to read as follows:

Section 96. Any and all schools, colleges, and persons who may be designated by ~~said the~~ the Anatomical Board shall be, and are, authorized to dissect, operate upon, examine and experiment upon bodies distributed to them by ~~said Board~~ the Board's agent and no others; ~~and such.~~ Such dissections, operations, examinations and

experiments shall not be considered as amenable under any already existing laws for the prevention of mutilation of dead human bodies. Such persons, schools or colleges shall keep a ~~permanent~~ record, sufficient for identification, of each body received from ~~such the~~ Anatomical Board or agent, ~~which.~~ The record shall be subject to inspection by the Board or its authorized officer or agent.

SECTION 7. AMENDATORY 63 O.S. 2001, Section 97, is amended to read as follows:

Section 97. After the institutions, within the State of Oklahoma to whom ~~said the~~ bodies have been distributed, ~~shall~~ have completed the scientific study of the bodies, the remains thereof shall in every case be returned to the Anatomical Board for final disposition by ~~burial or~~ cremation. Bodies sent to other states shall be individually cremated in that state. The cremains shall be returned to the agent issuing the body.

SECTION 8. AMENDATORY 63 O.S. 2001, Section 98, is amended to read as follows:

Section 98. No county, municipality, officer, agent or servant thereof, shall incur any expense by reason of the delivery or distribution of any such body. All expenses for the storage, distribution or any other related services involved in the use of the bodies shall be borne by those institutions receiving and using ~~said the~~ bodies, ~~in such manner as may be determined by said Anatomical Board.~~ The ~~Board~~ Board's agent shall direct the payment into, and disbursements from ~~the Anatomical Board Fund,~~ ~~to pay for any services rendered by and to the separate institutions using the bodies~~ an appropriate account for such activity at the agent's institution.

SECTION 9. REPEALER 63 O.S. 2001, Section 98.1, is hereby repealed.

SECTION 10. This act shall become effective November 1, 2006.

