

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL 738

By: Coffee and Jolley of the  
Senate

6 and

7 Bengé and Lamons of the  
8 House

9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the Office of the Chief Medical  
12 Examiner; amending 63 O.S. 2001, Sections 931, as  
13 amended by Section 1, Chapter 410, O.S.L. 2005, 932,  
14 933, 934, 935, as last amended by Section 5, Chapter  
15 269, O.S.L. 2008, 936, 937, 939, 940, 941, 944.2,  
16 945, 947, 948, as amended by Section 1, Chapter 559,  
17 O.S.L. 2004, Section 2, Chapter 559, O.S.L. 2004,  
18 949, as amended by Section 1, Chapter 190, O.S.L.  
19 2004, 950, 951 and 954 (63 O.S. Supp. 2009, Sections  
20 931, 935, 948, 948.1 and 949), which relate to the  
21 Office of Chief Medical Examiner; modifying  
22 membership of the Board of Medicolegal  
23 Investigations; changing the name of the Office of  
24 the Chief Medical Examiner to the Office of the State  
Medical Examiner; authorizing certain override;  
specifying certain requirements of the Office of the  
State Medical Examiner; providing for the position of  
the Director; providing for certain qualifications;  
stating duties; authorizing certain contracts;  
specifying certain limitation; amending 10 O.S. 2001,  
Section 1150.4, which relates to child death  
certificates; modifying statutory reference; amending  
20 O.S. 2001, Section 1313.2, as last amended by  
Section 1, Chapter 442, O.S.L. 2009 (20 O.S. Supp.  
2009, Section 1313.2), which relates to definitions;  
modifying statutory reference; amending 21 O.S. 2001,  
Section 1154, which relates to autopsies; modifying

1 statutory reference; amending 21 O.S. 2001, Section  
2 1168.4, which relates to discovery of human remains  
3 or burial furniture; modifying statutory reference;  
4 amending 63 O.S. 2001, Section 1-329.1, which relates  
5 to disposal permits; modifying statutory references;  
6 amending 63 O.S. 2001, Section 2-315, which relates  
7 to controlled dangerous substances; modifying  
8 statutory reference; and providing an effective date.

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

10 SECTION 1. AMENDATORY 63 O.S. 2001, Section 931, as  
11 amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2009,  
12 Section 931), is amended to read as follows:

13 Section 931. A. The Board of Medicolegal Investigations is  
14 hereby re-created. The members of the Board shall be:

15 1. The Director of the Oklahoma State Bureau of Investigation,  
16 or a designee;

17 2. The State Commissioner of Health, or a designee;

18 3. The Dean of the College of Medicine of the University of  
19 Oklahoma, or a designee;

20 4. The ~~President or Dean of~~ Chair of the Department of  
21 Pathology at the Oklahoma State University Center for Health  
22 ~~Sciences~~ College of Osteopathic Medicine, or a designee;

23 5. The President of the Oklahoma Bar Association, or a  
24 designee;

6. The President of the Oklahoma Osteopathic Association, or a  
designee;

1 7. The President of the Oklahoma State Medical Association, or  
2 a designee; and

3 8. A funeral director, as provided by Section 396.3 of Title 59  
4 of the Oklahoma Statutes, appointed by the Oklahoma State Board of  
5 Embalmers and Funeral Directors; and

6 9. The Director of the Forensic Science Institute at the  
7 University of Central Oklahoma.

8 ~~The Chief Medical Examiner shall be an ex officio nonvoting~~  
9 ~~member of the Board.~~ B. The Board shall elect one of its members as  
10 chair and one of its members as vice-chair. Members of the Board  
11 shall receive no compensation for their services on this Board.  
12 Regular meetings of the Board shall be held ~~at such times as~~  
13 ~~determined by its members~~ monthly, and special meetings may be  
14 called by the chair. ~~Four~~ Five members shall constitute a quorum.

15 SECTION 2. AMENDATORY 63 O.S. 2001, Section 932, is  
16 amended to read as follows:

17 Section 932. A. The Board is hereby authorized to promulgate  
18 rules and regulations in accordance with the Administrative  
19 Procedures Act necessary or appropriate to carry out effectively the  
20 provisions of this act. ~~Such rules and regulations shall be filed~~  
21 ~~with the Secretary of State and shall not be effective until ten~~  
22 ~~(10) days after the date of filing.~~ ~~The Board shall, on the date of~~  
23 ~~filing, send a copy of the rules and regulations by the United~~

24

1 ~~States mail to the state regulatory board the licensees of which are~~  
2 ~~affected thereby~~

3 B. The Board is authorized to act as a checks and balances  
4 system with authority to override any act by the Administrative  
5 Director and/or the Medical Examiner that jeopardizes the integrity  
6 or successful operation of the agency by a unanimous vote of the  
7 Board.

8 SECTION 3. AMENDATORY 63 O.S. 2001, Section 933, is  
9 amended to read as follows:

10 Section 933. A. The Office of the Chief State Medical Examiner  
11 ~~of the State of Oklahoma~~ is hereby established to be operated under  
12 the control and supervision of the Board. The Office shall be  
13 administered by the Director of the Office of the State Medical  
14 Examiner who may employ such other staff members as the Board shall  
15 specify.

16 B. The Office of the State Medical Examiner shall be:

17 1. Remain independent and autonomous from all other agencies in  
18 this state;

19 2. Be directed by the Chief Director of the Office of the State  
20 ~~Medical Examiner, and the Chief Medical Examiner may employ such~~  
21 ~~other staff members as~~ who is appointed by the Board shall specify;  
22 and

23 3. Obtain approval by the Legislature before closing any  
24 satellite office.

1 SECTION 4. AMENDATORY 63 O.S. 2001, Section 934, is  
2 amended to read as follows:

3 Section 934. A. The Board of Medicolegal Investigations shall  
4 appoint the Director of the Office of the State Medical Examiner who  
5 shall have a minimum of a bachelor's degree in business  
6 administration, management, leadership, or a related field from an  
7 accredited four-year college or university or a minimum of five (5)  
8 years' professional administrative experience as determined by the  
9 Board. The Director shall serve at the pleasure of the Board.

10 B. 1. The Board shall appoint a Chief Medical Examiner who  
11 shall be a physician licensed to practice in Oklahoma and a  
12 diplomate of the American Board of Pathology or the American  
13 Osteopathic Board of Pathology in forensic pathology.

14 2. The Chief Medical Examiner shall serve at the pleasure of  
15 the Board. In addition to the duties prescribed by law, the Chief  
16 Medical Examiner may teach in any medical school in this state and  
17 conduct special classes for law enforcement officers.

18 SECTION 5. AMENDATORY 63 O.S. 2001, Section 935, as last  
19 amended by Section 5, Chapter 269, O.S.L. 2008 (63 O.S. Supp. 2009,  
20 Section 935), is amended to read as follows:

21 Section 935. A. 1. The Director of the Office of the State  
22 Medical Examiner shall be directly responsible to the Board of  
23 Medicolegal Investigations for the management and administration of  
24 the Office of the State Medical Examiner.

1        2. The Chief Medical Examiner shall be directly responsible to  
2 the Board for the performance of the duties provided for in this act  
3 and for the administration of the ~~office of the Chief Medical~~  
4 Examiner Division of the Office of the State Medical Examiner. The  
5 Chief Medical Examiner may, ~~however,~~ delegate specific duties to  
6 competent and qualified deputies who may act for the Chief Medical  
7 Examiner within the scope of the express authority granted by the  
8 Chief Medical Examiner, subject, however, to such rules as the Board  
9 may prescribe.

10        B. The Director shall have responsibility for, but not be  
11 limited to:

12        1. Establishing written professional qualification requirements  
13 for each staff position related to the investigation of deaths,  
14 including but not limited to forensic pathologists, laboratory  
15 personnel, investigators, and the position of chief investigator  
16 that are compatible with state and federal law;

17        2. Establishing minimum requirements for investigators employed  
18 on or after November 1, 2010, which at a minimum shall require a  
19 bachelor's degree in forensic sciences or a related field, or a  
20 combination of education and experience needed to meet requirements  
21 for the job. The Director shall ensure that all investigative  
22 personnel receive classification as certified death investigators as  
23 soon as possible, not to exceed twelve (12) months from having  
24 acquired the minimum number of investigative hours needed for

1 testing and that all investigators receive mandatory annual training  
2 needed to maintain certification;

3 3. Establishing continuing education requirements for the Chief  
4 Medical Examiner and other staff positions related to the  
5 investigation of deaths including but not limited to forensic  
6 pathologists, laboratory personnel, investigators, and the position  
7 of chief investigator;

8 4. Providing quarterly information to the Board regarding  
9 operational statistics and issues, advancements in meeting agency  
10 goals and benchmarks, critical issues affecting the progress and  
11 success of the agency, personnel issues affecting operations, and  
12 all complaints against the agency to be heard in executive session  
13 during Board meetings;

14 5. Providing minutes of all Board meetings;

15 6. Directing administrative staff in adherence to all state and  
16 federal laws associated with human resources, procurement, and  
17 budgeting issues of the agency;

18 7. Setting the highest degree of professional standards for  
19 medical, investigative, and support personnel in meeting the goals  
20 of the agency;

21 8. Establishing professional policies and procedures that  
22 provide guidance and direction to all agency personnel, including a  
23 policy that mandates criminal history background checks of all  
24 prospective employees of the agency;

1        9. Representing the Office of the State Medical Examiner before  
2 all legislative bodies and committees addressing budgetary and  
3 statutory issues; and

4        10. Supervising the activities of the Office.

5        SECTION 6.        AMENDATORY        63 O.S. 2001, Section 936, is  
6 amended to read as follows:

7        Section 936. ~~The Board shall provide for a central office and~~  
8 ~~shall see that there is maintained~~ The Office of the State Medical  
9 Examiner (OSME) shall maintain access to a laboratory suitably  
10 equipped with facilities for performance of the duties imposed by  
11 this act. The OSME is authorized to contract with independent third  
12 parties, except for the Oklahoma State Bureau of Investigation  
13 (OSBI) unless otherwise approved by the Legislature, for the  
14 effective utilization of all available resources and programs.

15        SECTION 7.        AMENDATORY        63 O.S. 2001, Section 937, is  
16 amended to read as follows:

17        Section 937. The Chief Medical Examiner shall appoint, with the  
18 advice and consent of the Board of Medicolegal Investigations,  
19 medical examiners for each county of the state. Each medical  
20 examiner so appointed shall be a Doctor of Medicine or Osteopathy  
21 and Surgery, shall hold a valid license to practice ~~his~~ the  
22 profession in Oklahoma, and shall hold office at the pleasure of the  
23 Board. In the event there is no qualified person in the county or  
24 no person willing to serve as a medical examiner, or in the event

1 the medical examiner is absent from the county in which ~~he~~ the  
2 medical examiner serves, or is ill or disqualified by personal  
3 interest, the Chief Medical Examiner may ~~in his discretion~~ appoint  
4 as a medical examiner for ~~such~~ the county a qualified person from  
5 another county, or may direct a medical examiner from another county  
6 to perform the duties of a medical examiner in both counties.  
7 Nothing in this section or act shall prohibit or restrict the Chief  
8 Medical Examiner from appointing a medical examiner and directing  
9 ~~him~~ a medical examiner to cross a county line. A medical examiner  
10 shall not be precluded from holding other public offices created by  
11 the laws of the state.

12 SECTION 8. AMENDATORY 63 O.S. 2001, Section 939, is  
13 amended to read as follows:

14 Section 939. A. The ~~Chief~~ Office of the State Medical Examiner  
15 shall prepare and distribute to all medical examiners appropriate  
16 forms to be used in filing reports of investigation, with  
17 instructions as to their use, and detailed instructions as to the  
18 nature, character, and extent of investigation and examination to be  
19 made in each case in which investigation is required pursuant to  
20 Sections 931 through 954 of this title.

21 B. Except as otherwise provided by law, the ~~Chief~~ Office of the  
22 State Medical Examiner shall produce records, documents, evidence or  
23 other material of any nature only upon the order of a court of  
24 competent jurisdiction. An interested party or litigant in a civil

1 or criminal action may make application for an order to produce such  
2 materials. The court, after notice to all parties, including the  
3 Chief Medical Examiner, and a hearing on the application, may, upon  
4 the showing of good cause, direct the release of a copy or any part  
5 of such material. In addition, the court may also direct the  
6 payment of reasonable costs by the requesting party for the  
7 production of the material. The production of such material shall  
8 take place at the Office of the Chief State Medical Examiner unless,  
9 upon a showing of good cause, specifically ordered otherwise by the  
10 court.

11 SECTION 9. AMENDATORY 63 O.S. 2001, Section 940, is  
12 amended to read as follows:

13 Section 940. A. 1. All law enforcement officers and other  
14 state and county officials shall cooperate with the Chief Medical  
15 Examiner and all other medical examiners in making investigations  
16 required pursuant to the provisions of Sections 931 through 954 of  
17 this title. Said officials and the physician in attendance of the  
18 deceased, or other persons when the deceased was unattended by a  
19 physician, shall promptly notify the medical examiner of the  
20 occurrence of all deaths coming to their attention which, pursuant  
21 to the provisions of Sections 931 through 954 of this title, are  
22 subject to investigation, and shall assist in making dead bodies and  
23 related evidence available for investigation.

24

1        2. The scene of a death subject to the provisions of Sections  
2 931 through 954 of this title shall not be disturbed until  
3 authorized by the Chief Medical Examiner, ~~his~~ a designee, or a  
4 county medical examiner, and the representative of any law  
5 enforcement agency which has begun an investigation of the cause of  
6 death. Said authorization may be given by telephone. Nothing in  
7 Sections 931 through 954 of this title shall prevent the district  
8 attorney or ~~his~~ a designee from authorizing the removal of a body  
9 when the removal is determined by ~~him~~ such person to be in the  
10 public interest and conditions at the scene are adequately  
11 documented and preserved by photographs and measurements.

12        B. The death of any patient, inmate, ward, or veteran in a  
13 state hospital or other institution, except Oklahoma Medical Center  
14 Hospitals and Clinics thereof, shall be reported by the chief  
15 administrative officer of the hospital or institution or ~~his~~ a  
16 designee to the Office of the ~~Chief~~ State Medical Examiner at the  
17 time of the death and prior to release of the body.

18        1. Within thirty-six (36) hours, a written report shall be  
19 submitted and shall be accompanied by true and correct copies of all  
20 medical records of the hospital or institution concerning the  
21 deceased patient.

22        2. The Chief Medical Examiner shall have the authority to  
23 require production of any records, documents, or equipment or other  
24

1 items regarding the deceased patient deemed necessary to investigate  
2 the death.

3 SECTION 10. AMENDATORY 63 O.S. 2001, Section 941, is  
4 amended to read as follows:

5 Section 941. A. Upon receipt of notice of death of any person  
6 which under this act is subject to investigation, the medical  
7 examiner shall immediately conduct an investigation into the cause  
8 and manner of death, and shall comply in detail with the  
9 instructions of the ~~Chief~~ Office of the State Medical Examiner as  
10 provided for in Section 939 of this title. ~~He~~ The medical examiner  
11 may have fingerprints and photographs taken.—~~He~~ and may take charge  
12 of any object or writing found on or near the body which ~~he deems~~ is  
13 deemed necessary for the purpose of establishing the cause and/or  
14 manner of death.

15 B. Upon conclusion of ~~his~~ the investigation and ~~his~~  
16 determination that such objects or writings are no longer needed as  
17 evidence, the medical examiner shall deliver them to the district  
18 attorney for disposition.

19 C. The investigating medical examiner shall have access at all  
20 times to any and all medical and dental records and history of the  
21 deceased, including, but not limited to, radiographs and  
22 electrocardiograms, in the course of ~~his~~ an official investigation  
23 to determine the cause and manner of death. Such records may not be  
24 released to any other person by the medical examiner, and the

1 custodians of ~~such~~ the records shall incur no liability by reason of  
2 the release of ~~such~~ the records to the medical examiner.

3 D. The body of the deceased shall be turned over to the funeral  
4 director designated by the person responsible for burial within  
5 eighteen (18) hours unless a longer period is necessary to complete  
6 the required investigation.

7 SECTION 11. AMENDATORY 63 O.S. 2001, Section 944.2, is  
8 amended to read as follows:

9 Section 944.2 For each medicolegal autopsy performed by the  
10 Office of the ~~Chief State~~ State Medical Examiner under ~~Title 63 of the~~  
11 ~~Oklahoma Statutes~~ this title, including the making of required  
12 reports, the Office of the ~~Chief State~~ State Medical Examiner shall  
13 receive a fee of One Hundred Dollars (\$100.00). Such fee shall be  
14 paid by the city, town or county in which the death occurred or in  
15 which the injury which resulted in death was apparently sustained.  
16 Provided that, if the death, or injury resulting in death, occurred  
17 within the municipal boundaries of a town or city, the fee shall be  
18 paid by that town or city; if the death, or injury resulting in  
19 death, occurred within the boundaries of a county and outside any  
20 municipal boundaries located in that county, the fee shall be paid  
21 by that county.

22 SECTION 12. AMENDATORY 63 O.S. 2001, Section 945, is  
23 amended to read as follows:

24

1 Section 945. A. When properly authorized, an autopsy shall be  
2 performed by the Chief Medical Examiner or such person as may be  
3 designated by him for such purpose. The Chief Medical Examiner or a  
4 ~~person designated by him~~ designee may authorize arterial embalming  
5 of the body prior to the autopsy when such person determines that  
6 the embalming would in his opinion not interfere with the autopsy.  
7 The autopsy shall be made of such parts of the body as is deemed  
8 necessary by the person performing the autopsy.

9 B. A full and complete report of the facts developed by the  
10 autopsy together with the findings of the person making ~~it~~ the  
11 autopsy shall be prepared and filed in the Office of the Chief State  
12 Medical Examiner without unnecessary delay. Copies of such reports  
13 and findings shall be furnished to district attorneys and law  
14 enforcement officers making a criminal investigation in connection  
15 with the death. The next of kin, or any one of them if more than  
16 one, may designate a physician to be present when the autopsy is  
17 conducted.

18 SECTION 13. AMENDATORY 63 O.S. 2001, Section 947, is  
19 amended to read as follows:

20 Section 947. A. The certification of death of any person whose  
21 death is investigated under this act shall be made by the Chief  
22 Medical Examiner, ~~his~~ a designee, or the medical examiner who  
23 conducted the investigation, upon a medical examiner death  
24 certificate provided by the State Registrar of Vital Statistics.

1 Such death certificates shall be valid only when signed by a duly  
2 appointed medical examiner, the Chief Medical Examiner, or ~~his~~ a  
3 designee. Copies of all ~~such~~ certificates shall be forwarded  
4 immediately upon receipt by the State Registrar of Vital Statistics  
5 to the Office of the ~~Chief~~ State Medical Examiner.

6 B. Any certification of death by an attending physician may be  
7 referred by the State Registrar of Vital Statistics to the Chief  
8 Medical Examiner for investigation and the amending of the original  
9 certificate of death by the filing of a medical examiner death  
10 certificate by the medical examiner or Chief Medical Examiner when  
11 the death is determined by the Chief Medical Examiner to be one  
12 properly requiring investigation under Section 938 of this title.

13 C. Medical examiner death certificates will not be required in  
14 cases investigated solely for the purpose of issuing a permit for  
15 transport of a body out of state.

16 D. The Board of Medicolegal Investigations shall not charge a  
17 fee for out-of-state shipment of human remains whenever the Office  
18 of the ~~Chief~~ State Medical Examiner has not been required to conduct  
19 an investigation of the death.

20 SECTION 14. AMENDATORY 63 O.S. 2001, Section 948, as  
21 amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2009,  
22 Section 948), is amended to read as follows:

23 Section 948. A. For each investigation or partial  
24 investigation in which the medical examiner is relieved by the Chief

1 Medical Examiner or a designee, the medical examiner shall receive  
2 compensation for ~~such~~ services as provided in the rules approved and  
3 promulgated by the Board of Medicolegal Investigations, from funds  
4 appropriated to the Board of ~~Medicolegal Investigations~~. Where, in  
5 the opinion of the Chief Medical Examiner, it is necessary to  
6 designate a consultant pathologist to perform an autopsy, such  
7 pathologist shall be entitled to a reasonable fee. Such fees shall  
8 be payable from funds appropriated to the Board of ~~Medicolegal~~  
9 ~~Investigations~~.

10 B. The Office of the ~~Chief State~~ Medical Examiner (~~OCME~~) (OSME)  
11 shall store biological specimens in the control of the ~~OCME~~ OSME for  
12 the potential purpose of independent analyses in matters of civil  
13 law, only upon receipt of a written request for ~~such~~ storage and  
14 payment of a storage fee. The fee shall be paid by the person  
15 requesting storage to the Office of the ~~Chief State~~ Medical  
16 Examiner. The Board shall promulgate rules establishing a fee for  
17 storage of ~~such~~ biological specimens which shall not exceed One  
18 Hundred Dollars (\$100.00) per year. All fees collected pursuant to  
19 the provisions of this subsection shall be deposited to the credit  
20 of the Office of the ~~Chief State~~ Medical Examiner Toxicology  
21 Laboratory Revolving Fund.

22 C. 1. The Office of the ~~Chief State~~ Medical Examiner (~~OCME~~)  
23 (OSME) is authorized to perform drug screens on specimens in the  
24 custody of the ~~OCME~~ OSME, provided the request is made by an agency

1 or party authorized to receive such information. The ~~OCME~~ OSME may  
2 limit drug screens within the technical and physical capabilities of  
3 the ~~OCME~~ OSME.

4 2. The authorization for drug screens shall apply only to  
5 specimens from cases already within the jurisdiction of the ~~OCME~~  
6 OSME and only when the analyses are deemed by the Chief Medical  
7 Examiner or Deputy Chief Medical Examiner not to conflict with any  
8 investigation of the case by the state.

9 3. The Board of Medicolegal Investigations shall establish a  
10 fee for drug screen services by rule. All fees collected pursuant  
11 to the provisions of this subsection shall be deposited to the ~~Chief~~  
12 Office of the State Medical Examiner Toxicology Laboratory Revolving  
13 Fund.

14 SECTION 15. AMENDATORY Section 2, Chapter 559, O.S.L.  
15 2004 (63 O.S. Supp. 2009, Section 948.1), is amended to read as  
16 follows:

17 Section 948.1 A. The Board of Medicolegal Investigations may  
18 establish a fee schedule for forensic services, permits and reports  
19 rendered to members of the public and other agencies.

20 1. No fee schedule may be established or amended by the Board  
21 except during a regular legislative session. The Board shall comply  
22 with the Administrative Procedures Act for adoption of rules and  
23 establishing or amending any ~~such~~ fee schedule.

24

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

3            a. permit for cremations that occur within the state:  
4                    One Hundred Dollars (\$100.00) to Two Hundred Dollars  
5                    (\$200.00),

6            b. forensic science service: One Hundred Dollars  
7                    (\$100.00) to Three Thousand Dollars (\$3,000.00),

8            c. report copies: Ten Dollars (\$10.00) for report of  
9                    investigation, including toxicology, and Twenty  
10                    Dollars (\$20.00) for an autopsy report, including  
11                    toxicology,

12           d. x-rays: Fifteen Dollars (\$15.00) each,

13           e. microscopic slides, Hematoxilyn and Eosin (H&E): Ten  
14                    Dollars (\$10.00) each,

15           f. special stains: Fifteen Dollars (\$15.00) each, and

16           g. photographs: Twenty-five Dollars (\$25.00) per  
17                    computer diskette (CD).

18        B. The Board shall base the fee schedule for forensic science  
19 services, permits and reports upon reasonable costs of review,  
20 investigation and forensic science service delivery; provided,  
21 however, the fee schedule shall be within the ranges specified in  
22 subsection A of this section. The Board shall continue a system of  
23 basic and continuing educational service and training for all  
24 personnel who render forensic science services in order to ensure

1 uniform statewide application of the rules of the Board. The Board  
2 shall consider the reasonable costs associated with such training  
3 and continuing education in setting the forensic science service  
4 fees.

5 C. The Board may exempt by rule any agency or class of  
6 individuals from the requirements of the fee schedule if the Board  
7 determines that the fees would cause an unreasonable economic  
8 hardship or would otherwise hinder or conflict with ~~an agency's~~ the  
9 responsibilities of an agency.

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

16 SECTION 16. AMENDATORY 63 O.S. 2001, Section 949, as  
17 amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2009,  
18 Section 949), is amended to read as follows:

19 Section 949.

20 A. 1. a. The Office of the ~~Chief~~ State Medical Examiner shall  
21 keep full and complete records, properly indexed,  
22 giving the name, if known, of every person whose death  
23 is investigated, the place where the body was found,  
24 the date, cause, and manner of death and all other

1 relevant information concerning the death. The full  
2 report and detailed findings of the autopsy, if any,  
3 shall be a part of the record in each case.

4 b. The Chief Medical Examiner shall track and forward,  
5 within seventy-two (72) hours after the examination,  
6 demographic information on sudden, unexpected and  
7 nontraumatic infant deaths, including, but not limited  
8 to, Sudden Infant Death Syndrome (SIDS), to the  
9 Oklahoma SIDS Coordinator at the State Department of  
10 Health and the SIDS Foundation of Oklahoma. As used  
11 in this subparagraph, "Sudden Infant Death Syndrome  
12 (SIDS)" means the sudden, unexpected death of an  
13 apparently healthy infant less than one (1) year of  
14 age which remains unexplained following a complete  
15 medicolegal analysis and death scene investigation.  
16 The Chief Medical Examiner shall follow up with  
17 further notification upon final determination of a  
18 cause of death. Such notification shall be for  
19 statistical reporting purposes only.

20 2. The office shall promptly deliver to each district attorney  
21 having jurisdiction of the case, copies of all records relating to a  
22 death for which further investigation may be advisable. Any  
23 district attorney or other law enforcement official may, upon  
24 request, obtain copies of ~~such~~ records or other information deemed

1 necessary ~~to~~ for the performance of ~~such district attorney's or~~  
2 ~~other law enforcement official's~~ official duties.

3 B. No report, findings, testimony, or other information of a  
4 medical examiner shall be admitted in evidence in any civil action  
5 in any court in this state, except under the following  
6 circumstances:

7 1. Certified copies of reports pertaining to the factual  
8 determinations of views and examination of or autopsies upon the  
9 bodies of deceased persons by the Chief Medical Examiner, a medical  
10 examiner, consultant pathologist, or anyone under their supervision  
11 or control may be admitted in evidence in any civil case in a court  
12 of competent jurisdiction in this state by stipulation of all  
13 parties in the case;

14 2. If a party refuses to stipulate to admission, the reports  
15 may be requested by any party seeking to admit the records as  
16 evidence. The request shall be made to the Office of the ~~Chief~~  
17 State Medical Examiner, who shall furnish same;

18 3. The party seeking admission of the reports shall then serve  
19 interrogatories concerning the facts to be answered under oath by  
20 the person preparing the records. The interrogatories and answers  
21 thereto shall be subject to the rules of evidence and may be  
22 admissible in evidence in any civil case in a court of competent  
23 jurisdiction. Objections to the interrogatories shall be made by  
24 any party in accordance with law just as if the interrogatories had

1 | been served on the objecting party. Cross interrogatories shall be  
2 | submitted and shall be answered and admitted in evidence in the same  
3 | manner as interrogatories;

4 | 4. The taking of depositions shall then be allowed pursuant to  
5 | the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;  
6 | provided, however, depositions shall take place at the Office of the  
7 | ~~Chief~~ State Medical Examiner, a medical examiner, consultant  
8 | pathologist, or anyone under their supervision or control whose  
9 | testimony is sought, unless all parties, including the medical  
10 | examiner, agree the deposition can be taken elsewhere;

11 | 5. No other testimony of the Chief Medical Examiner, a medical  
12 | examiner, consultant pathologist, or anyone under their supervision  
13 | and control shall be admitted in evidence in any civil action in any  
14 | court of this state, unless timely application is made to the court  
15 | by an interested party or litigant and timely notice of the  
16 | application is given to the medical examiner. After a hearing, the  
17 | court, for good cause shown, may order the appearance of the Chief  
18 | Medical Examiner, a medical examiner, consultant pathologist, or  
19 | anyone under their supervision and control for the purpose of  
20 | testifying and may order that a subpoena be issued for that  
21 | appearance; provided, however, that such order by the court shall be  
22 | the exception and not the rule; and

23 | 6. The cost of the records or certified copies thereof shall be  
24 | paid by the party requesting same. The reasonable fee charged by

1 the Chief Medical Examiner, a medical examiner, consultant  
2 pathologist, or anyone under their supervision and control for  
3 answering interrogatories or cross interrogatories, submitting to  
4 depositions, or providing testimony shall be paid by the party  
5 submitting same. This fee shall be in place of any other witness  
6 fee allowed by law.

7 C. Certified copies of reports and findings, exclusive of  
8 hearsay evidence, may be admitted in evidence in preliminary  
9 hearings and criminal trials by stipulation.

10 D. Certified copies of reports of investigations by a medical  
11 examiner, laboratory reports and/or autopsy reports may be furnished  
12 to the next of kin or others having need for them upon written  
13 statement and payment of a reasonable fee set by the Board of  
14 Medicolegal Investigations.

15 E. 1. In a case in which possible SIDS is determined as the  
16 cause of death of an infant less than one (1) year of age, the  
17 medical examiner shall explain to the newly bereaved family that  
18 support services are available and can be rendered more efficiently  
19 if the family signs a waiver to allow release of confidential  
20 information. The medical examiner shall provide such waiver to the  
21 family for signatures.

22 2. The medical examiner shall document receipt of the signed  
23 waiver form and shall forward such documentation to the State  
24 Department of Health and the SIDS Foundation of Oklahoma, along with

1 information related to the possible SIDS death, including, but not  
2 limited to, the ~~infant's~~ name, date of birth, date of death, and  
3 race of the infant, ~~parents'~~ the names, address, and phone number of  
4 the parents.

5 3. As used in this subsection, "possible SIDS" means the sudden  
6 unexpected, nontraumatic death of an apparently healthy infant less  
7 than one (1) year of age.

8 SECTION 17. AMENDATORY 63 O.S. 2001, Section 950, is  
9 amended to read as follows:

10 Section 950. In the event it is necessary or advisable to  
11 perform an autopsy under the provisions of this act in some place  
12 other than the laboratories of the Chief Medical Examiner, ~~said the~~ the  
13 examiner may authorize payment of a reasonable fee for the use of an  
14 appropriate place for the performing of an autopsy, which payment  
15 shall be made upon a claim and submitted to the Board of Medicolegal  
16 Investigations.

17 SECTION 18. AMENDATORY 63 O.S. 2001, Section 951, is  
18 amended to read as follows:

19 Section 951. The Chief Medical Examiner, ~~his~~ a designee, or a  
20 medical examiner shall be authorized to transport bodies of deceased  
21 persons of whose death he or she is officially informed to an  
22 appropriate place for autopsy or for the performance of scientific  
23 tests; provided that, after ~~said the~~ the autopsy ~~shall have been~~ is  
24 performed or ~~such~~ tests made, the bodies of ~~such~~ deceased persons

1 shall be returned to the county from which they were brought, or,  
2 when so authorized by the district attorney of ~~said~~ the county and  
3 upon request of the nearest relative of the deceased or other person  
4 who may be responsible for burial, the body may be transported to  
5 some place other than ~~said~~ the county. The Chief Medical Examiner  
6 or ~~his~~ a designee may authorize payment for the services in  
7 transporting the body to the place designated for autopsy, which  
8 shall be submitted upon a claim filed with the Board of Medicolegal  
9 Investigations.

10 SECTION 19. AMENDATORY 63 O.S. 2001, Section 954, is  
11 amended to read as follows:

12 Section 954. A. The Board of Medicolegal Investigations is  
13 authorized to accept grants, gifts, fees, or funds from persons,  
14 associations, corporations, or foundations for any purpose  
15 authorized by the Board.

16 B. There is ~~hereby~~ created in the State Treasury a revolving  
17 fund for the Office of the ~~Chief~~ State Medical Examiner to be  
18 designated the "~~Chief~~ Medical Examiner Revolving Fund". The fund  
19 shall be a continuing fund, not subject to fiscal year limitations,  
20 and shall consist of all moneys received from:

21 1. Laboratory analysis fees pursuant to the provisions of  
22 Section 1313.2 of Title 20 of the Oklahoma Statutes;

23 2. Grants, gifts, fees or funds from persons, associations,  
24 corporations, or foundations pursuant to this section;

1 3. Document fees pursuant to the Oklahoma Open Records Act,  
2 Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes; and

3 4. Cremation, burial at sea, or other recognized means of  
4 dissolution permit fees pursuant to Section 1-329.1 of this title.

5 All monies accruing to the credit of ~~said~~ the fund are hereby  
6 appropriated and may be budgeted and expended by the Office of the  
7 ~~Chief State~~ Chief State Medical Examiner for the duties imposed upon the Board  
8 of Medicolegal Investigations by law. Expenditures from ~~said~~ the  
9 fund shall be made upon warrants issued by the State Treasurer  
10 against claims filed as prescribed by law with the Director of State  
11 Finance for approval and payment.

12 SECTION 20. AMENDATORY 10 O.S. 2001, Section 1150.4, is  
13 amended to read as follows:

14 Section 1150.4 A. Beginning November 1, 1991, the Director of  
15 the Bureau of Vital Statistics shall forward to the Office of the  
16 ~~Chief State~~ Chief State Medical Examiner on a monthly basis copies of all death  
17 certificates of persons under eighteen (18) years of age received by  
18 the Bureau of Vital Statistics during the preceding month.

19 B. The Office of ~~Chief~~ the State Medical Examiner shall conduct  
20 an initial review of child death certificates in accordance with the  
21 criteria established by the Child Death Review Board and refer to  
22 the Board those cases that meet the criteria established by the  
23 Board for specific case review.

24

1 C. Upon the request of the Board, every entity within the child  
2 protection system shall provide to the Board any information  
3 requested by the Board.

4 SECTION 21. AMENDATORY 20 O.S. 2001, Section 1313.2, as  
5 last amended by Section 1, Chapter 442, O.S.L. 2009 (20 O.S. Supp.  
6 2009, Section 1313.2), is amended to read as follows:

7 Section 1313.2. A. As used in this section:

8 1. "Convicted" means any final adjudication of guilt, whether  
9 pursuant to a plea of guilty or nolo contendere or otherwise, and  
10 any deferred or suspended sentence or judgment;

11 2. "Court" means any state or municipal court having  
12 jurisdiction to impose a criminal fine or penalty; and

13 3. "DNA" means Deoxyribonucleic acid.

14 B. Any person convicted of an offense, including traffic  
15 offenses but excluding parking and standing violations, punishable  
16 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any  
17 person forfeiting bond when charged with such an offense, shall be  
18 ordered by the court to pay Nine Dollars (\$9.00) as a separate fee,  
19 which fee shall be in addition to and not in substitution for any  
20 and all fines and penalties otherwise provided for by law for such  
21 offense.

22 C. 1. Any person convicted of any misdemeanor or felony  
23 offense shall pay a Laboratory Analysis Fee in the amount of One  
24 Hundred Fifty Dollars (\$150.00) for each offense if forensic science

1 or laboratory services are rendered or administered by the Oklahoma  
2 State Bureau of Investigation, by the Toxicology Laboratory of the  
3 Office of the ~~Chief~~ State Medical Examiner or by any municipality or  
4 county in connection with the case. This fee shall be in addition  
5 to and not a substitution for any and all fines and penalties  
6 otherwise provided for by law for this offense.

7 2. The court clerk shall cause to be deposited the amount of  
8 One Hundred Fifty Dollars (\$150.00) as collected, for every  
9 conviction as described in this subsection. The court clerk shall  
10 remit the monies in the fund on a monthly basis directly either to:

11 a. the Oklahoma State Bureau of Investigation who shall  
12 deposit the monies into the OSBI Revolving Fund  
13 provided for in Section 150.19a of Title 74 of the  
14 Oklahoma Statutes for services rendered or  
15 administered by the Oklahoma State Bureau of  
16 Investigation,

17 b. the Office of the ~~Chief~~ State Medical Examiner who  
18 shall deposit the monies into the Office of the ~~Chief~~  
19 State Medical Examiner Toxicology Laboratory Revolving  
20 Fund provided for in Section 954 of Title 63 of the  
21 Oklahoma Statutes for services rendered or  
22 administered by the Toxicology Laboratory of the  
23 Office of the ~~Chief~~ State Medical Examiner, or  
24

1 c. the appropriate municipality or county for services  
2 rendered or administered by a municipality or county.

3 3. The monies from the Laboratory Analysis Fee Fund deposited  
4 into the OSBI Revolving Fund shall be used for the following:

- 5 a. providing criminalistic laboratory services,
- 6 b. the purchase and maintenance of equipment for use by  
7 the laboratory in performing analysis,
- 8 c. education, training, and scientific development of  
9 Oklahoma State Bureau of Investigation personnel, and
- 10 d. the destruction of seized property and chemicals as  
11 prescribed in Sections 2-505 and 2-508 of Title 63 of  
12 the Oklahoma Statutes.

13 D. Upon conviction or bond forfeiture, the court shall collect  
14 the fee provided for in subsection B of this section and deposit it  
15 in an account created for that purpose. Except as otherwise  
16 provided in subsection E of this section, monies shall be forwarded  
17 monthly by the court clerk to the Council on Law Enforcement  
18 Education and Training. Beginning July 1, 2003, deposits shall be  
19 due on the fifteenth day of each month for the preceding calendar  
20 month. There shall be a late fee imposed for failure to make timely  
21 deposits; provided, the Council on Law Enforcement Education and  
22 Training, in its discretion, may waive all or part of the late fee.  
23 Such late fee shall be one percent (1%) of the principal amount due  
24 per day beginning from the tenth day after payment is due and

1 accumulating until the late fee reaches one hundred percent (100%)  
2 of the principal amount due. Beginning on July 1, 1987, ninety  
3 percent (90%) of the monies received by the Council on Law  
4 Enforcement Education and Training from the court clerks pursuant to  
5 this section shall be deposited in the CLEET Fund, and ten percent  
6 (10%) shall be deposited in the General Revenue Fund. Beginning  
7 January 1, 2001, sixty and fifty-three one-hundredths percent  
8 (60.53%) of the monies received by the Council on Law Enforcement  
9 Education and Training from the court clerks pursuant to this  
10 section shall be deposited in the CLEET Fund created pursuant to  
11 subsection G of this section, five and eighty-three one-hundredths  
12 percent (5.83%) shall be deposited in the General Revenue Fund and  
13 thirty-three and sixty-four one-hundredths percent (33.64%) shall be  
14 deposited in the CLEET Training Center Revolving Fund created  
15 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.  
16 Along with the deposits required by this subsection, each court  
17 shall also submit a report stating the total amount of funds  
18 collected and the total number of fees imposed during the preceding  
19 quarter. The report may be made on computerized or manual  
20 disposition reports.

21 E. Any municipality or county having a basic law enforcement  
22 academy approved by the Council on Law Enforcement Education and  
23 Training pursuant to the criteria developed by the Council for  
24 training law enforcement officers shall retain from monies collected

1 pursuant to subsections A through D of this section, Two Dollars  
2 (\$2.00) from each fee. These monies shall be deposited into an  
3 account for the sole use of the municipality or county in  
4 implementing its law enforcement training functions. Not more than  
5 seven percent (7%) of the monies shall be used for court and  
6 prosecution training. The court clerk of any such municipality or  
7 county shall furnish to the Council on Law Enforcement Education and  
8 Training the report required by subsection D of this section.

9 F. 1. Any person entering a plea of guilty or nolo contendere  
10 or is found guilty of the crime of misdemeanor possession of  
11 marijuana or drug paraphernalia shall be ordered by the court to pay  
12 a five-dollar fee, which shall be in addition to and not in  
13 substitution for any and all fines and penalties otherwise provided  
14 for by law for such offense.

15 2. The court clerk shall cause to be deposited the amount of  
16 Five Dollars (\$5.00) as collected, for every adjudicated or  
17 otherwise convicted person as described in this subsection. The  
18 court clerk shall remit the monies in the fund on a monthly basis  
19 directly to the Bureau of Narcotics Drug Education Revolving Fund.

20 G. There is hereby created in the State Treasury a fund for the  
21 Council on Law Enforcement Education and Training to be designated  
22 the "CLEET Fund". The fund shall be subject to legislative  
23 appropriation and shall consist of any monies received from fees and  
24 receipts collected pursuant to the Oklahoma Open Records Act,

1 reimbursements for parts used in the repair of weapons of law  
2 enforcement officers attending the basic academies, gifts, bequests,  
3 contributions, tuition, fees, devises, and the assessments levied  
4 pursuant to the fund pursuant to law.

5 H. 1. Any person convicted of a felony offense shall pay a DNA  
6 fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be  
7 collected if the person has a valid DNA sample in the OSBI DNA  
8 Offender Database at the time of sentencing.

9 2. The court clerk shall cause to be deposited the amount of  
10 One Hundred Fifty Dollars (\$150.00) as collected, for every felony  
11 conviction as described in this subsection. The court clerk shall  
12 remit the monies in said fund on a monthly basis directly to the  
13 Oklahoma State Bureau of Investigation who shall deposit the monies  
14 into the OSBI Revolving Fund provided for in Section 150.19a of  
15 Title 74 of the Oklahoma Statutes for services rendered or  
16 administered by the Oklahoma State Bureau of Investigation.

17 3. The monies from the DNA sample fee deposited into the OSBI  
18 Revolving Fund shall be used for creating, staffing, and maintaining  
19 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)  
20 Database.

21 I. It shall be the responsibility of the court clerk to account  
22 for and ensure the correctness and accuracy of payments made to the  
23 state agencies identified in Sections 1313.2 through 1313.4 of this  
24 title. Payments made directly to an agency by the court clerk as a

1 result of different types of assessments and fees pursuant to  
2 Sections 1313.2 through 1313.4 of this title shall be made monthly  
3 to each state agency.

4 SECTION 22. AMENDATORY 21 O.S. 2001, Section 1154, is  
5 amended to read as follows:

6 Section 1154. A. Autopsy means a post mortem dissection of a  
7 dead human body in order to determine the cause, seat or nature of  
8 disease or injury and includes, but is not limited to, the retention  
9 of tissues for evidentiary, identification, diagnostic, scientific  
10 and therapeutic purposes.

11 B. An autopsy may be performed on the dead body of a human  
12 being in the following cases:

13 1. In cases authorized by positive enactment of the  
14 Legislature;

15 2. Whenever the death occurs under circumstances in which the  
16 medical examiner is authorized as provided in Title 63 of the  
17 Oklahoma Statutes to conduct such autopsy; or

18 3. Whenever consent is given to a licensed physician to conduct  
19 an autopsy on the body of a deceased person by whichever one of the  
20 following assumes custody of the body for purposes of burial:

21 Father, mother, husband, wife, child, guardian, next of kin, or in  
22 the absence of any of the foregoing, a friend, or a person charged  
23 by law with the responsibility for burial. If two (2) or more such  
24

1 persons assume custody of the body, the consent of one of them shall  
2 be deemed sufficient.

3 C. 1. Any physician or hospital authorized to perform an  
4 autopsy pursuant to this section, whether by statutory authority or  
5 by consent from a person entitled to assume custody of the body for  
6 burial, shall be and is authorized to retain such tissue and  
7 specimens as the examining physician deems proper. Such tissue and  
8 specimens may be retained for examination, dissection or study in  
9 furtherance of determining the cause of death, or for evidentiary,  
10 diagnostic, or scientific purposes. Except with regard to medical  
11 examiners and the Office of the ~~Chief~~ State Medical Examiner, this  
12 provision shall not apply if a person entitled to assume custody of  
13 the body for burial notifies the physician or hospital performing  
14 the autopsy prior to said autopsy of any objection to the retention  
15 of tissue and specimens obtained from the autopsy.

16 2. No physician or hospital authorized to perform an autopsy  
17 pursuant to this section shall be subject to criminal or civil  
18 liability for the retention, examination, dissection, or study of  
19 tissue and specimens obtained from said autopsy under existing laws  
20 regarding the prevention of mutilation of dead bodies.

21 SECTION 23. AMENDATORY 21 O.S. 2001, Section 1168.4, is  
22 amended to read as follows:

23 Section 1168.4 A. All persons who encounter or discover human  
24 skeletal remains or what they believe may be human skeletal remains

1 or burial furniture thought to be associated with human burials in  
2 or on the ground shall immediately cease any activity which may  
3 cause further disturbance and shall report the presence and location  
4 of such human skeletal remains to an appropriate law enforcement  
5 officer.

6 B. Any person who willfully fails to report the presence or  
7 discovery of human skeletal remains or what they believe may be  
8 human skeletal remains within forty-eight (48) hours to an  
9 appropriate law enforcement officer in the county in which the  
10 remains are found shall be guilty of a misdemeanor.

11 C. Any person who knowingly disturbs human skeletal remains or  
12 burial furniture other than a law enforcement officer, registered  
13 mortician, a representative of the Office of the ~~Chief~~ State Medical  
14 Examiner, a professional archaeologist or physical anthropologist,  
15 or other officials designated by law in performance of official  
16 duties, shall be guilty of a felony.

17 D. Anyone other than a law enforcement officer, registered  
18 mortician, a representative of the Office of the ~~Chief~~ State Medical  
19 Examiner, a professional archaeologist or physical anthropologist,  
20 or other officials designated by law in performance of official  
21 duties, who disturbs or permits disturbance of a burial ground with  
22 the intent to obtain human skeletal remains or burial furniture  
23 shall be guilty of a felony.

24

1 E. The law enforcement officer, if there is a reason to believe  
2 that the skeletal remains may be human, shall promptly notify the  
3 landowner and the Chief Medical Examiner. If remains reported under  
4 this act are not associated with or suspected of association with  
5 any crime, the State Archaeologist and the State Historic  
6 Preservation Officer shall be notified within fifteen (15) days. If  
7 review by the State Archaeologist and the State Historic  
8 Preservation Officer of the human skeletal remains and any burial  
9 furniture demonstrates or suggests a direct historical relationship  
10 to a tribal group, then the State Archaeologist shall:

- 11 1. Notify the State Historic Preservation Officer; and
- 12 2. Consult with the tribal leader, designated by the Oklahoma  
13 Indian Affairs Commission, within fifteen (15) days regarding any  
14 proposed treatment or scientific studies and final disposition of  
15 the materials.

16 SECTION 24. AMENDATORY 63 O.S. 2001, Section 1-329.1, is  
17 amended to read as follows:

18 Section 1-329.1 Until a permit for disposal has been issued in  
19 accordance with this section, no dead human body whose death  
20 occurred within the State of Oklahoma shall be cremated, buried at  
21 sea, or made unavailable for further pathologic study by other  
22 recognized means of destruction or dissolution of such remains.

23 When the person legally responsible for disposition of a dead  
24 human body, whose death occurred or was pronounced within this

1 state, desires that the body be cremated, buried at sea, or made  
2 unavailable for further pathologic study by other recognized means  
3 of destruction or dissolution of such remains, that person shall  
4 complete an application-permit form for such procedure provided by  
5 the Office of the ~~Chief~~ State Medical Examiner. The Office of the  
6 ~~Chief~~ State Medical Examiner shall charge a fee of One Hundred  
7 Dollars (\$100.00) for each cremation permit issued. The Medical  
8 Examiner shall be notified, as required in Section 938 of this  
9 title. He shall perform the required investigation and shall issue  
10 a valid death certificate as required by Section 947 of this title  
11 and execute the permit in accordance with rules established by the  
12 Office of the ~~Chief~~ State Medical Examiner. In order to be valid  
13 each permit must contain an individual number assigned to the  
14 particular permit by the Office of the ~~Chief~~ State Medical Examiner.  
15 A copy of the application-permit form and the original death  
16 certificate shall be filed with the local registrar of vital  
17 statistics of the registration district in which the death occurred  
18 or was pronounced. The original application-permit form shall be  
19 filed by the funeral director with the Office of the ~~Chief~~ State  
20 Medical Examiner. Such filing shall occur or be postmarked within  
21 forty-eight (48) hours of the death.

22 If death occurred or was pronounced outside the geographic  
23 limits of the State of Oklahoma and the body is brought into this  
24 state for such disposal, a transit permit or a permit for removal,

1 issued in accordance with the laws and regulations in force where  
2 the death occurred shall authorize the transportation of the body  
3 into or through this state and shall be accepted in lieu of a  
4 certificate of death as required above. A valid permit issued for  
5 disposal of such body in accordance with the laws in the  
6 jurisdiction where the body died or death was pronounced shall be  
7 authority for cremation or burial at sea or to make the body  
8 otherwise unavailable for further pathologic study by other  
9 recognized means of destruction or dissolution of such remains.

10 SECTION 25. AMENDATORY 63 O.S. 2001, Section 2-315, is  
11 amended to read as follows:

12 Section 2-315. A. Except as otherwise provided by law, any  
13 person required to obtain an annual registration pursuant to Section  
14 2-302 of this title, or any group home, or residential care home as  
15 defined by Section 1-820 of this title shall submit for destruction  
16 all controlled dangerous substances which are out of date, which are  
17 unwanted, unused or which are abandoned by their owner at their  
18 facility due to death or other circumstances.

19 B. All controlled dangerous substances described in subsection  
20 A of this section shall be submitted to the Oklahoma City laboratory  
21 of the Oklahoma State Bureau of Investigation, along with all  
22 required information on forms provided by the Oklahoma State Bureau  
23 of Investigation, to the federal Drug Enforcement Administration, to  
24 a duly registered reverse distributor, or to the original registered

1 supplier or their registered agent. When any such substance is  
2 transported by private contract or common carrier or United States  
3 Postal Service for the purpose of destruction, the sender shall  
4 require a receipt from such private contract or common carrier or  
5 United States Postal Service, and such receipt shall be retained as  
6 a permanent record by the sender.

7 C. Controlled dangerous substances submitted to the Oklahoma  
8 State Bureau of Investigation pursuant to the provisions of this  
9 section shall be destroyed pursuant to the procedures provided in  
10 subsection A of Section 2-508 of this title.

11 Controlled dangerous substances submitted to any distributors,  
12 reverse distributors or their original registered suppliers pursuant  
13 to the provisions of this section shall be destroyed by incineration  
14 so as to make the substance absolutely unusable for human purposes.  
15 An official record listing the property destroyed, the location of  
16 destruction and disposal, and the name and title of the person  
17 supervising the destruction and disposal shall be submitted to the  
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and  
19 the federal Drug Enforcement Administration office located nearest  
20 the destruction site.

21 D. The Office of the Chief State Medical Examiner is hereby  
22 authorized to perform on-site incineration of all controlled  
23 dangerous substances which are obtained in the discharge of the  
24 official duties of the Chief Medical Examiner. Any record relating

1 to destruction of a controlled dangerous substance shall be  
2 maintained as required by the state or federal government and shall  
3 be available for inspection by appropriate state or federal  
4 government regulatory agencies.

5 E. This section shall constitute a part of the Uniform  
6 Controlled Dangerous Substances Act.

7 SECTION 26. This act shall become effective November 1, 2010.

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