OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 17, 2011

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 671

By: Jolley of the Senate and Grau et al of the House

Title: Office of the Chief Medical Examiner; creating the Office of State Pathology. Effective date. Emergency.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.

2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES

Jolley

Johnson (Rob)

Myers

Burrage

Treat

Sparks

HOUSE CONFEREES:

Conference Committee on Public Safety, Judiciary and Military Affairs

ADOPTED & PASSED MAY 1 9 2011

Senate Action_____ Date_____ House Action _____ Date_____

HOUSE CONFEREES

Jordan _____

Martin (Steve) _____

McCullough _____

Moore _____

Morrissette _____

Roan _____

Roberts (Dustin) _____

Schwartz _____

Sherrer _____

Sullivan _____

Tibbs _____

Wesselhoft _____

Williams _____

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 671 By: Jolley of the Senate

and

Grau, Cooksey and Roan of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Office of the Chief Medical Examiner; amending 63 O.S. 2001, Sections 931, as amended by Section 1, Chapter 410, O.S.L. 2005, 932, 933, 934, 935, as last amended by Section 5, Chapter 269, O.S.L. 2008, Section 1, Chapter 329, O.S.L. 2010, 936, 937, 940, 941a, 945, 947, 948, as amended by Section 1, Chapter 559, O.S.L. 2004, Section 2, Chapter 559, O.S.L 2004, 949, as amended by Section 1, Chapter 190, O.S.L. 2004, 950, 951 and 954 (63 O.S. Supp. 2010, Sections 931, 935, 935.1, 948, 948.1 and 949), which relate to the Office of the Chief Medical Examiner; abolishing the Board of Medicolegal Investigations; establishing the Board of Forensic Medical Examinations; specifying members of Board; specifying length of terms for members of Board; modifying language providing for ex-officio member on the Board; modifying statutory references; renaming the Office of the Chief Medical Examiner as the Office of Forensic Medical Examinations; making language gender-neutral; deleting obsolete language; codifying certain existing fee; renaming the Chief Medical Examiner Revolving Fund; amending 10 O.S. 2001, Section 1150.4, which relates to child death certification; modifying statutory references; amending 20 O.S. 2001, Section 1313.2, as last amended by Section 1, Chapter 442, O.S.L. 2009 (20 O.S. Supp. 2010, Section 1313.2), which relates to fees for persons convicted of certain offenses; modifying statutory references; amending 21 O.S.

2001, Section 1154, which relates to autopsies; modifying statutory reference; amending 21 O.S. 2001, Section 1168.4, which relates to human skeletal remains, modifying statutory references; amending 22 O.S. 2001, Section 751, as last amended by Section 1, Chapter 89, O.S.L. 2010 (22 O.S. Supp. 2010, Section 751), which relates to pretrial hearings and forfeiture hearings; modifying statutory references; amending 51 O.S. 2001, Section 24A.5, as last amended by Section 34, Chapter 16, O.S.L. 2006 (51 O.S. Supp. 2010, Section 24A.5), which relates to Oklahoma Records Act exemptions; updating statutory reference; amending 63 O.S. 2001, Section 1-329.1, which relates to the disposal of dead human bodies; modifying statutory references; amending 63 O.S. 2001, Section 2-315, which relates to controlled dangerous substances; modifying statutory references; repealing 63 O.S. 2001, Section 944.2, which relates to fees for medicolegal autopsies performed by the Office of the Chief Medical Examiner; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 931, as amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2010, Section 931), is amended to read as follows:

Section 931. A. The Board of Medicolegal Investigations is hereby ~~re-created~~ abolished.

B. The Board of Forensic Medical Examinations is hereby created. The members of the Board shall be:

1. ~~The Director of the State Bureau of Investigation, or a designee;~~

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

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

~~4. The President or Dean of the Oklahoma State University Center for Health Sciences, or a designee;~~

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

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

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

~~8. A funeral director, as provided by Section 396.3 of Title 59 of the Oklahoma Statutes, appointed by the Oklahoma State Board of Embalmers and Funeral Directors~~ The Director of the Forensic Science Institute at the University of Central Oklahoma;

2. The Director of the Oklahoma State Bureau of Investigation Forensic Laboratory;

3. A district attorney;

4. A person representing the Oklahoma Indigent Defense System;

5. A chief of police or sheriff;

6. An attorney whose primary practice is in criminal defense;

7. A member of an organization that advocates for victims of homicide or missing persons;

8. An owner or director of a funeral home or member of an organization that represents funeral homes;

9. A medical or osteopathic physician licensed to practice in the state and in good standing;

10. A chief executive officer of a corporation employing at least fifty people;

11. The Dean of the University of Oklahoma College of Medicine or designee; and

12. The Dean of the Oklahoma State University College of Osteopathic Medicine or designee.

C. With the exception of the members specified in paragraphs 1, 2, 11 and 12 of subsection B of this section, members of the Board shall be appointed by the Governor and confirmed by the Senate. Such members shall serve for terms of four (4) years, except as follows:

1. The initial term of four members shall be for one (1) year;

2. The initial term of four members shall be for two (2) years; and

3. The initial term of four members shall be for three (3) years.

D. The ~~Chief Medical Examiner~~ Dean of the University of Oklahoma College of Medicine, or designee, and the Dean of the Oklahoma State University College of Osteopathic Medicine, or designee, shall be ~~an~~ ex officio nonvoting ~~member~~ members of the Board. The Board shall elect one of its members as chair and one of its members as vice-chair. Members of the Board shall receive no

compensation for their services on ~~this~~ the Board. Regular meetings of the Board shall be held at such times as determined by its members, and special meetings may be called by the chair. Four members shall constitute a quorum.

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

Section 932. A. The Board of Forensic Medical Examinations is hereby authorized to promulgate rules and regulations necessary or appropriate to carry out effectively the provisions of ~~this act~~ Section 931 et seq. of this title. Such rules and regulations shall be filed with the Secretary of State and shall not be effective until ten (10) days after the date of filing. The Board shall, on the date of filing, send a copy of the rules and regulations by the United States mail to the state regulatory board the licensees of which are affected thereby.

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

Section 933. A. The Office of ~~the Chief Medical Examiner of the State of Oklahoma~~ Forensic Medical Examinations is hereby established to be operated under the control and supervision of the Board of Forensic Medical Examinations.

B. The Office shall be directed by the Chief Medical Examiner, and the Chief Medical Examiner may employ such other staff members as the Board shall specify.

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

Section 934. The Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations shall appoint a Chief Medical Examiner who shall be a physician licensed to practice in Oklahoma and a diplomate of the American Board of Pathology or the American Osteopathic Board of Pathology in forensic pathology. The Chief Medical Examiner shall serve at the pleasure of the Board. In addition to the duties prescribed by law, the Chief Medical Examiner may teach in any medical school in this state and conduct special classes for law enforcement officers.

SECTION 5. AMENDATORY 63 O.S. 2001, Section 935, as last amended by Section 5, Chapter 269, O.S.L. 2008 (63 O.S. Supp. 2010, Section 935), is amended to read as follows:

Section 935. The Chief Medical Examiner shall be directly responsible to the Board of Forensic Medical Examinations for the performance of the duties provided for in ~~this act and for the administration of the office of the Chief Medical Examiner~~ Section 931 et seq. of this title. The Chief Medical Examiner may~~, however,~~ delegate specific duties to competent and qualified deputies who may act for the Chief Medical Examiner within the scope of the express authority granted by the Chief Medical Examiner, subject, however, to such rules as the Board may prescribe.

SECTION 6. AMENDATORY Section 1, Chapter 329, O.S.L. 2010 (63 O.S. Supp. 2010, Section 935.1), is amended to read as follows:

Section 935.1 A. The Office of ~~the State Medical Examiner~~ Forensic Medical Examinations and the Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations are authorized to relocate the Office of ~~the State Medical Examiner~~ Forensic Medical Examinations to a location immediately adjacent or in close proximity to the University of Central Oklahoma Forensic Science Institute.

B. The Office of ~~the State Medical Examiner~~ Forensic Medical Examinations is authorized to take all necessary steps to effectuate the relocation of the Office of ~~the State Medical Examiner~~ Forensic Medical Examinations to a location immediately adjacent or in close proximity to the University of Central Oklahoma Forensic Science Institute, including, but not limited to, entering into a lease-purchase agreement.

C. The University of Central Oklahoma is authorized to take all necessary steps to effectuate the relocation of the Office of ~~the State Medical Examiner~~ Forensic Medical Examinations to a location immediately adjacent or in close proximity to the University of Central Oklahoma Forensic Science Institute, including, but not limited to, constructing a building or buildings and entering into a lease-purchase agreement.

SECTION 7. AMENDATORY 63 O.S. 2001, Section 936, is amended to read as follows:

Section 936. The Board of Forensic Medical Examinations shall provide for a central office pursuant to Section 935.1 of this title and shall see that there is maintained a laboratory suitably equipped with facilities for performance of the duties imposed by ~~this act~~ Section 931 et seq. of this title.

SECTION 8. AMENDATORY 63 O.S. 2001, Section 937, is amended to read as follows:

Section 937. The Chief Medical Examiner shall appoint medical examiners for each county of the state. Each medical examiner so appointed shall be a Doctor of Medicine or Osteopathy and Surgery, shall hold a valid license to practice ~~his~~ the profession in Oklahoma, and shall hold office at the pleasure of the Board of Forensic Medical Examinations. In the event there is no qualified person in the county or no person willing to serve as a medical examiner, or in the event the medical examiner is absent from the county in which ~~he~~ the medical examiner serves, or is ill or disqualified by personal interest, the Chief Medical Examiner may ~~in his discretion~~ appoint as a medical examiner for ~~such~~ the county a qualified person from another county, or may direct a medical examiner from another county to perform the duties of a medical examiner in both counties. Nothing in this section or ~~act~~ Section 931 et seq. of this title shall prohibit or restrict the Chief

Medical Examiner from appointing a medical examiner and directing ~~him~~ a medical examiner to cross a county line. A medical examiner shall not be precluded from holding other public offices created by the laws of the state.

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

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

2. The scene of a death subject to the provisions of ~~Sections~~ Section 931 ~~through 954~~ et seq. of this title shall not be disturbed until authorized by the Chief Medical Examiner, ~~his~~ a designee, or a county medical examiner, and the representative of any law enforcement agency which has begun an investigation of the cause of death. ~~Said~~ The authorization may be given by telephone. Nothing

in ~~Sections~~ Section 931 ~~through 954~~ et seq. of this title shall prevent the district attorney or ~~his~~ a designee from authorizing the removal of a body when the removal is determined by ~~him~~ such person to be in the public interest and conditions at the scene are adequately documented and preserved by photographs and measurements.

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

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

2. The Chief Medical Examiner shall have the authority to require production of any records, documents, or equipment or other items regarding the deceased patient deemed necessary to investigate the death.

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

Section 941a. Within three (3) hours after the death of any person who is at the time of death attended by a licensed medical or

osteopathic physician, the body of the deceased shall be released, upon demand, to the person legally entitled to the custody thereof, or ~~his~~ a representative, unless:

1. A release is signed by the person legally entitled to the custody of the body; or

2. The attending physician has notified the Chief Medical Examiner ~~of the State of Oklahoma~~, or ~~his~~ a designee, of the need for further investigation into the cause of death, or has notified the appropriate district attorney of such need; or

3. The laws of this state or the regulations of the Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations require additional information or examination that cannot be obtained or completed within the above period of time.

SECTION 11. AMENDATORY 63 O.S. 2001, Section 945, is amended to read as follows:

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

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

SECTION 12. AMENDATORY 63 O.S. 2001, Section 947, is amended to read as follows:

Section 947. A. The certification of death of any person whose death is investigated under ~~this act~~ Section 931 et seq. of this title shall be made by the Chief Medical Examiner, ~~his~~ a designee, or the medical examiner who conducted the investigation, upon a medical examiner death certificate provided by the State Registrar of Vital Statistics. Such death certificates shall be valid only when signed by a duly appointed medical examiner, the Chief Medical Examiner, or ~~his~~ a designee. Copies of all ~~such~~ certificates shall be forwarded immediately upon receipt by the State Registrar of Vital Statistics to the Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations.

B. Any certification of death by an attending physician may be referred by the State Registrar of Vital Statistics to the Chief

Medical Examiner for investigation and the amending of the original certificate of death by the filing of a medical examiner death certificate by the medical examiner or Chief Medical Examiner when the death is determined by the Chief Medical Examiner to be one properly requiring investigation under Section 938 of this title.

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

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

SECTION 13. AMENDATORY 63 O.S. 2001, Section 948, as amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2010, 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,~~ Forensic Medical Examinations from funds appropriated to the Board ~~of Medicolegal Investigations~~. ~~Where~~ When, 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 (OCME)~~ Forensic Medical Examinations shall store biological specimens in the control of the ~~OCME~~ 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~~ Forensic Medical Examinations. 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~~ Forensic Medical Examinations Toxicology Laboratory Revolving Fund.

C. 1. The Office of ~~the Chief Medical Examiner (OCME)~~ Forensic Medical Examinations is authorized to perform drug screens on specimens in the custody of the ~~OCME~~ Office, provided the request is made by an agency or party authorized to receive such information. The ~~OCME~~ Office may limit drug screens within the technical and physical capabilities of the ~~OCME~~ Office.

2. The authorization for drug screens shall apply only to specimens from cases already within the jurisdiction of the ~~OCME~~ Office and only when the analyses are deemed by the Chief Medical

Examiner or Deputy Chief Medical Examiner not to conflict with any investigation of the case by the state.

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

SECTION 14. AMENDATORY Section 2, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2010, Section 948.1), is amended to read as follows:

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

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

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

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

b. out-of-state shipment of human remains whenever the Office of Forensic Medical Examinations has not been required to conduct an investigation of the death: One Hundred Dollars ($100.00) to Two Hundred Dollars ($200.00),

c. forensic science service: One Hundred Dollars ($100.00) to Three Thousand Dollars ($3,000.00),

~~c.~~

d. report copies: Ten Dollars ($10.00) for report of investigation, including toxicology, and Twenty Dollars ($20.00) for an autopsy report, including toxicology,

~~d.~~

e. x-rays: Fifteen Dollars ($15.00) each,

~~e.~~

f. microscopic slides, Hematoxilyn and Eosin (H&E): Ten Dollars ($10.00) each,

~~f.~~

g. special stains: Fifteen Dollars ($15.00) each, and

~~g.~~

h. photographs: Twenty-five Dollars ($25.00) per computer diskette (CD).

B. The Board shall base the fee schedule for forensic science services, permits and reports upon reasonable costs of review,

investigation and forensic science service delivery; provided, however, the fee schedule shall be within the ranges specified in subsection A of this section. The Board shall continue a system of basic and continuing educational service and training for all personnel who render forensic science services in order to ensure uniform statewide application of the rules of the Board. The Board shall consider the reasonable costs associated with such training and continuing education in setting the forensic science service fees.

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

D. All statutory fees currently in effect for permits or forensic science services administered by the ~~Chief Medical Examiner~~ Office of Forensic Medical Examinations and the Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations within the jurisdiction of the Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations shall remain in effect until such time as the Board acts to implement new schedules pursuant to the provisions of ~~this act~~ Sections 948 and 948.1 of this title.

SECTION 15. AMENDATORY 63 O.S. 2001, Section 949, as amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2010, Section 949), is amended to read as follows:

Section 949.

A. 1. a. The Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations shall keep full and complete records, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death and all other relevant information concerning the death. The full report and detailed findings of the autopsy, if any, shall be a part of the record in each case.

b. The Chief Medical Examiner shall track and forward, within seventy-two (72) hours after the examination, demographic information on sudden, unexpected and nontraumatic infant deaths, including, but not limited to, Sudden Infant Death Syndrome (SIDS), to the Oklahoma SIDS Coordinator at the State Department of Health and the SIDS Foundation of Oklahoma. As used in this subparagraph, "Sudden Infant Death Syndrome (SIDS)" means the sudden, unexpected death of an apparently healthy infant less than one (1) year of age which remains unexplained following a complete

medicolegal analysis and death scene investigation. The Chief Medical Examiner shall follow up with further notification upon final determination of a cause of death. Such notification shall be for statistical reporting purposes only.

2. The ~~office~~ Office shall promptly deliver to each district attorney having jurisdiction of the case, copies of all records relating to a death for which further investigation may be advisable. Any district attorney or other law enforcement official may, upon request, obtain copies of ~~such~~ records or other information deemed necessary ~~to~~ for the performance of ~~such district attorney's or other law enforcement official's~~ official duties.

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

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

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

3. The party seeking admission of the reports shall then serve interrogatories concerning the facts to be answered under oath by the person preparing the records. The interrogatories and answers thereto shall be subject to the rules of evidence and may be admissible in evidence in any civil case in a court of competent jurisdiction. Objections to the interrogatories shall be made by any party in accordance with law just as if the interrogatories had been served on the objecting party. Cross interrogatories shall be submitted and shall be answered and admitted in evidence in the same manner as interrogatories;

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

5. No other testimony of the Chief Medical Examiner, a medical examiner, consultant pathologist, or anyone under their supervision

and control shall be admitted in evidence in any civil action in any court of this state, unless timely application is made to the court by an interested party or litigant and timely notice of the application is given to the medical examiner. After a hearing, the court, for good cause shown, may order the appearance of the Chief Medical Examiner, a medical examiner, consultant pathologist, or anyone under their supervision and control for the purpose of testifying and may order that a subpoena be issued for that appearance; provided, however, that such order by the court shall be the exception and not the rule; and

6. The cost of the records or certified copies thereof shall be paid by the party requesting same. The reasonable fee charged by the Chief Medical Examiner, a medical examiner, consultant pathologist, or anyone under their supervision and control for answering interrogatories or cross interrogatories, submitting to depositions, or providing testimony shall be paid by the party submitting same. This fee shall be in place of any other witness fee allowed by law.

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

D. Certified copies of reports of investigations by a medical examiner, laboratory reports and/or autopsy reports may be furnished to the next of kin or others having need for them upon written

statement and payment of a reasonable fee set by the Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations.

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

2. The medical examiner shall document receipt of the signed waiver form and shall forward such documentation to the State Department of Health and the SIDS Foundation of Oklahoma, along with information related to the possible SIDS death, including, but not limited to, the ~~infant's~~ name, date of birth, date of death, and race of the infant, ~~parents'~~ and the names, address, and phone number of the parents.

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

SECTION 16. AMENDATORY 63 O.S. 2001, Section 950, is amended to read as follows:

Section 950. In the event it is necessary or advisable to perform an autopsy under the provisions of ~~this act~~ Section 931 et seq. of this title in some place other than the laboratories of the

Chief Medical Examiner, ~~said examiner~~ the Chief Medical Examiner may authorize payment of a reasonable fee for the use of an appropriate place for the performing of an autopsy, which payment shall be made upon a claim and submitted to the Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations.

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

Section 951. The Chief Medical Examiner, ~~his~~ a designee, or a medical examiner shall be authorized to transport bodies of deceased persons of whose death he or she is officially informed to an appropriate place for autopsy or for the performance of scientific tests; provided that, after ~~said~~ the autopsy ~~shall have been~~ is performed or ~~such~~ tests made, the bodies of ~~such~~ deceased persons shall be returned to the county from which they were brought, or, when so authorized by the district attorney of ~~said~~ the county and upon request of the nearest relative of the deceased or other person who may be responsible for burial, the body may be transported to some place other than ~~said~~ the county. The Chief Medical Examiner or ~~his~~ a designee may authorize payment for the services in transporting the body to the place designated for autopsy, which shall be submitted upon a claim filed with the Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations.

SECTION 18. AMENDATORY 63 O.S. 2001, Section 954, is amended to read as follows:

Section 954. A. The Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations is authorized to accept grants, gifts, fees, or funds from persons, associations, corporations, or foundations for any purpose authorized by the Board.

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

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

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

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

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

All monies accruing to the credit of ~~said~~ the fund are ~~hereby~~ appropriated and may be budgeted and expended by the Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations for the duties imposed upon the Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations by law. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims

filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 19. AMENDATORY 10 O.S. 2001, Section 1150.4, is amended to read as follows:

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

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

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

SECTION 20. AMENDATORY 20 O.S. 2001, Section 1313.2, as last amended by Section 1, Chapter 442, O.S.L. 2009 (20 O.S. Supp. 2010, Section 1313.2), is amended to read as follows:

Section 1313.2 A. As used in this section:

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

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

3. "DNA" means Deoxyribonucleic acid.

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

C. 1. Any person convicted of any misdemeanor or felony offense shall pay a Laboratory Analysis Fee in the amount of One Hundred Fifty Dollars ($150.00) for each offense if forensic science or laboratory services are rendered or administered by the Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations or by any municipality or county in connection with the case. This fee shall be in addition to and not a substitution for any and all fines and penalties otherwise provided for by law for this offense.

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

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

b. the Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations who shall deposit the monies into the Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations Toxicology Laboratory Revolving Fund provided for in Section 954 of Title 63 of the Oklahoma Statutes for services rendered or administered by the Toxicology Laboratory of the Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations, or

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

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

a. providing criminalistic laboratory services,

b. the purchase and maintenance of equipment for use by the laboratory in performing analysis,

c. education, training, and scientific development of Oklahoma State Bureau of Investigation personnel, and

d. the destruction of seized property and chemicals as prescribed in Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

D. Upon conviction or bond forfeiture, the court shall collect the fee provided for in subsection B of this section and deposit it in an account created for that purpose. Except as otherwise provided in subsection E of this section, monies shall be forwarded monthly by the court clerk to the Council on Law Enforcement Education and Training. Beginning July 1, 2003, deposits shall be due on the fifteenth day of each month for the preceding calendar month. There shall be a late fee imposed for failure to make timely deposits; provided, the Council on Law Enforcement Education and Training, in its discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by the Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the CLEET Fund, and ten percent

(10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-hundredths percent (60.53%) of the monies received by the Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the CLEET Fund created pursuant to subsection G of this section, five and eighty-three one-hundredths percent (5.83%) shall be deposited in the General Revenue Fund and thirty-three and sixty-four one-hundredths percent (33.64%) shall be deposited in the CLEET Training Center Revolving Fund created pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes. Along with the deposits required by this subsection, each court shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding quarter. The report may be made on computerized or manual disposition reports.

E. Any municipality or county having a basic law enforcement academy approved by the Council on Law Enforcement Education and Training pursuant to the criteria developed by the Council for training law enforcement officers shall retain from monies collected pursuant to subsections A through D of this section, Two Dollars ($2.00) from each fee. These monies shall be deposited into an account for the sole use of the municipality or county in implementing its law enforcement training functions. Not more than seven percent (7%) of the monies shall be used for court and

prosecution training. The court clerk of any such municipality or county shall furnish to the Council on Law Enforcement Education and Training the report required by subsection D of this section.

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

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

G. There is hereby created in the State Treasury a fund for the Council on Law Enforcement Education and Training to be designated the "CLEET Fund". The fund shall be subject to legislative appropriation and shall consist of any monies received from fees and receipts collected pursuant to the Oklahoma Open Records Act, reimbursements for parts used in the repair of weapons of law enforcement officers attending the basic academies, gifts, bequests, contributions, tuition, fees, devises, and the assessments levied pursuant to the fund pursuant to law.

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

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

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

I. It shall be the responsibility of the court clerk to account for and ensure the correctness and accuracy of payments made to the state agencies identified in Sections 1313.2 through 1313.4 of this title. Payments made directly to an agency by the court clerk as a result of different types of assessments and fees pursuant to Sections 1313.2 through 1313.4 of this title shall be made monthly to each state agency.

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

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

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

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

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

3. Whenever consent is given to a licensed physician to conduct an autopsy on the body of a deceased person by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If two (2) or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

C. 1. Any physician or hospital authorized to perform an autopsy pursuant to this section, whether by statutory authority or

by consent from a person entitled to assume custody of the body for burial, shall be and is authorized to retain such tissue and specimens as the examining physician deems proper. Such tissue and specimens may be retained for examination, dissection or study in furtherance of determining the cause of death, or for evidentiary, diagnostic, or scientific purposes. Except with regard to medical examiners and the Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations, this provision shall not apply if a person entitled to assume custody of the body for burial notifies the physician or hospital performing the autopsy prior to ~~said~~ the autopsy of any objection to the retention of tissue and specimens obtained from the autopsy.

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

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

Section 1168.4 A. All persons who encounter or discover human skeletal remains or what they believe may be human skeletal remains or burial furniture thought to be associated with human burials in or on the ground shall immediately cease any activity which may cause further disturbance and shall report the presence and location

of such human skeletal remains to an appropriate law enforcement officer.

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

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

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

E. The law enforcement officer, if there is a reason to believe that the skeletal remains may be human, shall promptly notify the landowner and the Chief Medical Examiner. If remains reported under ~~this act~~ Section 1168.1 et seq. of this title are not associated

with or suspected of association with any crime, the State Archaeologist and the State Historic Preservation Officer shall be notified within fifteen (15) days. If review by the State Archaeologist and the State Historic Preservation Officer of the human skeletal remains and any burial furniture demonstrates or suggests a direct historical relationship to a tribal group, then the State Archaeologist shall:

1. Notify the State Historic Preservation Officer; and

2. Consult with the tribal leader, designated by the Oklahoma Indian Affairs Commission, within fifteen (15) days regarding any proposed treatment or scientific studies and final disposition of the materials.

SECTION 23. AMENDATORY 22 O.S. 2001, Section 751, as last amended by Section 1, Chapter 89, O.S.L. 2010 (22 O.S. Supp. 2010, Section 751), is amended to read as follows:

Section 751. A. At any hearing prior to trial or at a forfeiture hearing:

1. A report of the findings of the laboratory of the Oklahoma State Bureau of Investigation;

2. The report of investigation or autopsy report of the medical examiner;

3. A laboratory report from a forensic laboratory operated by this state or any political subdivision thereof, or from a laboratory performing analysis at the request of a forensic

laboratory operated by this state or any political subdivision thereof;

4. A report from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control as to the existence or status of any license or permit to sell, transfer, or possess precursor substances or any report containing data collected and required to be transmitted by a registrant to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Central Repository pursuant to the provisions of the Anti-Drug Diversion Act as set forth under the Uniform Controlled Dangerous Substances Act; or

5. A report from the Department of Public Safety as to the handling and storage of evidence,

which has been made available to the accused by the office of the district attorney at least five (5) days prior to the hearing, with reference to all or any part of the evidence submitted, when certified as correct by the persons making the report shall be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence. If a report is deemed relevant by the state or the accused, the court shall admit the report without the testimony of the person making the report, unless the court, pursuant to subsection C of this section, orders the person making the report to appear. If the accused is not served with a report, by the district attorney, within five (5) days prior to a hearing, the accused may be allowed a continuance of the

portion of the hearing to which the report is relevant, to allow at least five (5) days' preparation subsequent to the district attorney’s furnishing of the report.

B. When any alleged controlled dangerous substance has been submitted to the laboratory of the Bureau for analysis, and such analysis shows that the submitted material is a controlled dangerous substance, the distribution of which constitutes a felony under the laws of this state, no portion of such substance shall be released to any other person or laboratory without an order of a district court. The defendant shall additionally be required to submit to the court a procedure for transfer and analysis of the subject material to ensure the integrity of the sample and to prevent the material from being used in any illegal manner.

C. For purposes of the medical examiner's report of investigation or autopsy report, or a laboratory report from a forensic laboratory operated by the State of Oklahoma or any political subdivision thereof or a report from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control as to the existence or status of any license or permit to sell, transfer, or possess precursor substances:

1. The court, upon motion of the state or the accused, shall order the attendance of any person preparing a report submitted as evidence in any hearing prior to trial or forfeiture hearing, when it appears there is a substantial likelihood that material evidence

not contained in such report may be produced by the testimony of the person having prepared the report;

2. The motion shall be filed and notice of the hearing on the motion to order the attendance of the Chief Medical Examiner, a medical examiner, consultant pathologist, or anyone under their supervision or control shall be given to the ~~medical examiner's office~~ Office of Forensic Medical Examinations. The hearing shall be held and, if sustained, an order issued not less than five (5) days prior to the time when the testimony shall be required; and

3. If within five (5) days prior to the hearing or during a hearing a motion is made pursuant to this subsection requiring a person having prepared a report to testify, the court may hear a report or other evidence but shall continue the hearing until such time notice of the motion and hearing is given to the ~~medical examiner's office~~ Office of Forensic Medical Examinations, the motion is heard, and, if sustained, testimony ordered can be given.

SECTION 24. AMENDATORY 51 O.S. 2001, Section 24A.5, as last amended by Section 34, Chapter 16, O.S.L. 2006 (51 O.S. Supp. 2010, Section 24A.5), is amended to read as follows:

Section 24A.5 All records of public bodies and public officials shall be open to any person for inspection, copying, or mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.28 of this title, does not apply to records specifically required by law to be kept confidential including:

a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges,

b. records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes,

c. personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, or

d. information in the files of the Board of ~~Medicolegal Investigations~~ Forensic Medical Examinations obtained pursuant to Sections 940 and 941 of Title 63 of the Oklahoma Statutes that may be hearsay, preliminary unsubstantiated investigation-related findings, or confidential medical information.

2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions; provided however, the Department of Public Safety shall

not be required to assemble for the requesting person specific information, in any format, from driving records relating to any person whose name and date of birth or whose driver license number is not furnished by the requesting person.

The Oklahoma State Bureau of Investigation shall not be required to assemble for the requesting person any criminal history records relating to persons whose names, dates of birth, and other identifying information required by the Oklahoma State Bureau of Investigation pursuant to administrative rule are not furnished by the requesting person.

3. Any request for a record which contains individual records of persons, and the cost of copying, reproducing or certifying each individual record is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of record copying, or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall the record copying fee exceed twenty-five cents ($0.25) per page for records having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar ($1.00) per copied page for a certified copy. However, if the request:

a. is solely for commercial purpose, or

b. would clearly cause excessive disruption of the essential functions of the public body,

then the public body may charge a reasonable fee to recover the direct cost of record search and copying; however, publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of a record for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy. The fee charged by the Department of Public Safety for a copy in a computerized format of a record of the Department shall not exceed the direct cost of making the copy unless the fee for the record is otherwise set by law.

Any public body establishing fees under ~~this act~~ the Oklahoma Open Records Act shall post a written schedule of the fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.

4. The land description tract index of all recorded instruments concerning real property required to be kept by the county clerk of any county shall be available for inspection or copying in accordance with the provisions of the Oklahoma Open Records Act; provided, however, the index shall not be copied or mechanically reproduced for the purpose of sale of the information.

5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.

6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one person shall be available at all times to release records during the regular business hours of the public body.

SECTION 25. AMENDATORY 63 O.S. 2001, Section 1-329.1, is amended to read as follows:

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

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

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

C. If death occurred or was pronounced outside the geographic limits of the State of Oklahoma and the body is brought into this state for such disposal, a transit permit or a permit for removal, issued in accordance with the laws and regulations in force where the death occurred shall authorize the transportation of the body into or through this state and shall be accepted in lieu of a certificate of death as required above. A valid permit issued for disposal of such body in accordance with the laws in the jurisdiction where the body died or death was pronounced shall be authority for cremation or burial at sea or to make the body otherwise unavailable for further pathologic study by other recognized means of destruction or dissolution of such remains.

SECTION 26. AMENDATORY 63 O.S. 2001, Section 2-315, is amended to read as follows:

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

B. All controlled dangerous substances described in subsection A of this section shall be submitted to the Oklahoma City laboratory of the Oklahoma State Bureau of Investigation, along with all

required information on forms provided by the Oklahoma State Bureau of Investigation, to the federal Drug Enforcement Administration, to a duly registered reverse distributor, or to the original registered supplier or their registered agent. When any such substance is transported by private contract or common carrier or United States Postal Service for the purpose of destruction, the sender shall require a receipt from such private contract or common carrier or United States Postal Service, and such receipt shall be retained as a permanent record by the sender.

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

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

D. The Office of ~~the Chief Medical Examiner~~ Forensic Medical Examinations is ~~hereby~~ authorized to perform on-site incineration of all controlled dangerous substances which are obtained in the discharge of the official duties of the Chief Medical Examiner. Any record relating to destruction of a controlled dangerous substance shall be maintained as required by the state or federal government and shall be available for inspection by appropriate state or federal government regulatory agencies.

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

SECTION 27. REPEALER 63 O.S. 2001, Section 944.2, is hereby repealed.

SECTION 28. This act shall become effective July 1, 2011.

SECTION 29. 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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