

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 642

By: Treat

AS INTRODUCED

An Act relating to abortion; requiring physicians to preserve fetal tissue under certain circumstances; directing State Board of Health to promulgate rules; providing standards for rules; providing punishments for violations; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-749 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any physician who performs an abortion on a child who is less than fourteen (14) years of age at the time of the abortion procedure shall preserve, in accordance with rules promulgated by the State Board of Health, fetal tissue extracted during such abortion. The physician shall submit the tissue to the State Department of Health.

B. The State Board of Health shall adopt rules to implement the provisions of this act. Such rules shall contain, at a minimum:

1 1. The amount and type of fetal tissue to be preserved and
2 submitted by a physician pursuant to the provisions of this act;

3 2. Procedures for the proper preservation of such tissue for
4 the purposes of DNA testing and examination;

5 3. Procedures for documenting the chain of custody of such
6 tissue for use as evidence;

7 4. Procedures for the proper disposal of fetal tissue preserved
8 pursuant to this act;

9 5. A uniform reporting form mandated to be utilized by
10 physicians when submitting fetal tissue under this act, which shall
11 include the name and address of the physician submitting the fetal
12 tissue and the name and complete address of residence of the parent
13 or legal guardian of the child upon whom the abortion was performed;
14 and

15 6. Procedures for communication with law enforcement regarding
16 evidence and information obtained pursuant to this act.

17 C. Failure of a physician to comply with any provision of this
18 act or any rule adopted thereunder:

19 1. Shall constitute unprofessional conduct pursuant to the
20 provisions of Section 509 of Title 59 of the Oklahoma Statutes; and

21 2. Shall result in the physician being deemed guilty of a
22 felony.

23 SECTION 2. This act shall become effective November 1, 2015.

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