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February 27, 2017

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 207

By: Bice

[Office of the Chief Medical Examiner - autopsy
reports - sealed - district attorneys - cremation -
limitation on fee - effective date]

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 945, as amended by Section 14, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2016, 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 or her for such purpose. The Chief Medical Examiner or a person designated by him or her may authorize arterial embalming of the body prior to the autopsy when such embalming would in his or her opinion not interfere with the autopsy. The extent of the autopsy shall be made 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 shall be prepared and filed in the Office of the Chief Medical Examiner

1 without unnecessary delay but shall be sealed for public inspection
2 until fourteen (14) calendar days after the Office has properly
3 notified the next of kin.

4 1. Copies of such reports and findings shall be furnished to
5 district attorneys and law enforcement officers making a criminal
6 investigation in connection with the death. District attorneys may
7 request autopsy reports be sealed by the Office for one (1) year if
8 the cause of death is homicide; provided, a report issued pursuant
9 to this subsection shall not be sealed for longer than four (4)
10 years.

11 2. The Office may, after obtaining written consent from the
12 next of kin, release a full autopsy report to insurance companies
13 for the purposes of conducting business relevant to the deceased.

14 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-329.1, is
15 amended to read as follows:

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

21 When the person legally responsible for disposition of a dead
22 human body, whose death occurred or was pronounced within this
23 state, desires that the body be cremated, buried at sea, or made
24 unavailable for further pathologic study by other recognized means

1 of destruction or dissolution of such remains, that person shall
2 complete an application-permit form for such procedure provided by
3 the Office of the Chief Medical Examiner. The Office of the Chief
4 Medical Examiner, in accordance with Section 948.1 of this title,
5 shall charge a fee ~~of One Hundred Dollars (\$100.00)~~ for each
6 cremation permit issued. The Medical Examiner shall be notified, as
7 required in Section 938 of this title. ~~He~~ The Medical Examiner
8 shall perform the required investigation and shall issue a valid
9 death certificate as required by Section 947 of this title and
10 execute the permit in accordance with rules established by the
11 Office of the Chief Medical Examiner. In order to be valid, each
12 permit must contain an individual number assigned to the particular
13 permit by the Office of the Chief Medical Examiner. A copy of the
14 application-permit form and the original death certificate shall be
15 filed with the State Registrar. The original application-permit
16 form shall be filed by the funeral director with the Office of the
17 Chief Medical Examiner. Such filing shall occur or be postmarked
18 within forty-eight (48) hours of the death.

19 If death occurred or was pronounced outside the geographic
20 limits of the State of Oklahoma and the body is brought into this
21 state for such disposal, a transit permit or a permit for removal,
22 issued in accordance with the laws and regulations in force where
23 the death occurred shall authorize the transportation of the body
24 into or through this state and shall be accepted in lieu of a

1 certificate of death as required above. A valid permit issued for
2 disposal of such body in accordance with the laws in the
3 jurisdiction where the body died or death was pronounced shall be
4 authority for cremation or burial at sea or to make the body
5 otherwise unavailable for further pathologic study by other
6 recognized means of destruction or dissolution of such remains.

7 SECTION 3. This act shall become effective November 1, 2017.

8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
9 February 27, 2017 - DO PASS AS AMENDED
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