

1 ENGROSSED SENATE  
2 BILL NO. 354

By: Bergstrom of the Senate

3 and

4 Davis of the House  
5

6 An Act relating to out-of-state transport of dead  
7 bodies; providing for deaths in certain counties with  
8 shared state jurisdictional boundaries; authorizing  
9 release of body to funeral director in adjoining out-  
10 of-state county under certain conditions; stating  
11 eligible types of deaths; defining term; requiring a  
12 release statement; directing certificate of death be  
13 filed within certain time; establishing requirements  
14 for out-of-state funeral director to participate in  
15 removing eligible bodies from this state; directing  
16 out-of-state licenses be filed each year; restricting  
17 transport to certain vehicle; prohibiting other  
18 methods of transport; subjecting out-of-state funeral  
19 director to state jurisdiction; requiring return of  
20 body for investigation; directing jurisdictional hold  
21 on certain bodies; stating jurisdictional hold  
22 period; making jurisdictional hold automatically  
23 expire; providing exception to automatic expiration  
24 time; authorizing the Board of Medicolegal  
Investigations and Chief Medical Examiner to  
promulgate rules, procedures and forms; providing  
alternative to promulgated form; construing  
provisions; amending 63 O.S. 2011, Section 1-317, as  
last amended by Section 2, Chapter 305, O.S.L. 2019  
(63 O.S. Supp. 2020, Section 1-317), which relates to  
filing death certificates; requiring certain out-of-  
state funeral directors to file death certificates;  
modifying language; amending 63 O.S. 2011, Section 1-  
329.1, as amended by Section 2, Chapter 385, O.S.L.  
2017 (63 O.S. Supp. 2020, Section 1-329.1), which  
relates to cremation permits; excepting certain  
eligible deaths from cremation fee and permit;  
amending 63 O.S. 2011, Section 938, as amended by  
Section 6, Chapter 293, O.S.L. 2014 (63 O.S. Supp.  
2020, Section 938), which relates to types of deaths  
to be investigated; providing certain exception for  
required investigation; amending 63 O.S. 2011,

1       Section 947, as amended by Section 16, Chapter 293,  
2       O.S.L. 2014 (63 O.S. Supp. 2020, Section 947), which  
3       relates to certificate of death; exempting medical  
4       examiner certificate of death for certain deaths;  
5       amending 63 O.S. 2011, Section 948.1, as last amended  
6       by Section 9, Chapter 85, O.S.L. 2015 (63 O.S. Supp.  
7       2020, Section 948.1), which relates to fee schedule;  
8       exempting certain deaths from certain fees and  
9       permits; providing for codification; providing an  
10       effective date; and declaring an emergency.

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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 955.1 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A.   When a death occurs in a county of this state that adjoins a  
county of another state by a shared state jurisdictional boundary,  
and the person legally entitled to take custody of the deceased  
person's body in this state desires to utilize the funeral services  
of an out-of-state funeral establishment located in the adjoining  
out-of-state county, the dead body may be released to such person  
without a medical examiner's investigation or this state's  
requirement for an out-of-state transport permit or cremation permit  
provided the out-of-state funeral director is in compliance with the  
provisions of this section and the death is one of the following  
types:

1.   A natural death that occurs from natural causes such as age  
or disease.   For purposes of this section, a "natural death"

specifically excludes any death caused by or suspected to be caused by accident, injury, violence, homicide, suicide, medical procedure or equipment, unnatural or unusual circumstances, a disease that may be a threat to public safety or a suspicious or undetermined cause;

2. An attended death caused by a diagnosed illness, disease or condition that occurs under medical supervision in an Oklahoma licensed medical facility or hospital excluding a medically unexpected death or a death that occurs during the course of a therapeutic procedure;

3. A stillbirth that occurs under medical supervision in an Oklahoma licensed medical facility or hospital that was known in advance or medically anticipated prior to delivery;

4. An attended death caused by a diagnosed fatal or potentially fatal illness, disease or condition that occurs under medical supervision in an Oklahoma licensed hospice care facility;

5. An attended death caused by a diagnosed fatal or potentially fatal illness, disease or condition that occurs under licensed hospice supervision at home; or

6. An attended death caused by a diagnosed fatal or potentially fatal illness, disease or condition or a natural death that occurs under medical supervision in an Oklahoma licensed nursing home or medical-assisted care facility.

B. The types of deaths eligible for removal from the jurisdiction of the county of death in this state to the adjoining

1 out-of-state county for funeral services as authorized by subsection  
2 A of this section shall require a signed release by the person  
3 legally entitled to take custody of the deceased person's body that  
4 contains a clear statement that the body will be removed to the  
5 named funeral establishment in the adjoining out-of-state county for  
6 professional funeral services. The out-of-state funeral director is  
7 required to file the release statement with the Office of Chief  
8 Medical Examiner within twenty-four (24) hours of taking custody of  
9 the body. The filing may be completed by electronic or digital  
10 means as authorized by the Chief Medical Examiner.

11 C. The person legally entitled to take custody of the deceased  
12 person's body or the attending medical professional or physician  
13 shall personally sign and file the death certificate within seventy-  
14 two (72) hours after the death as provided in Section 1-317 of Title  
15 63 of the Oklahoma Statutes.

16 D. Prior to removing a dead body from this state pursuant to  
17 the authority of this section, the out-of-state funeral director  
18 shall have on file with the Office of the Chief Medical Examiner in  
19 this state and the county sheriff of the county of this state that  
20 adjoins the out-of-state county where the funeral establishment is  
21 located a certified copy of the valid license for the out-of-state  
22 funeral establishment and his or her funeral director license at the  
23 same address. The physical location of the funeral establishment  
24 shall be in the adjoining out-of-state county to the county in this

1 state where the death occurred and shall be the same place where the  
2 dead body will be taken for funeral services. The out-of-state  
3 licenses may be filed once each year and shall be valid for purposes  
4 of this section during the license term or calendar year, whichever  
5 occurs first.

6 E. Removal and transport of an eligible and authorized dead  
7 body from the county of death in this state to the adjoining out-of-  
8 state county for funeral services pursuant to the provisions of this  
9 section shall be made by the out-of-state funeral director in the  
10 funeral establishment's private funeral vehicle. The dead body  
11 shall not be shipped, transported by any commercial carrier or  
12 transported by any other type of vehicle or method.

13 F. By filing an out-of-state funeral establishment license and  
14 an out-of-state funeral director license in this state as authorized  
15 by this section, the funeral establishment and funeral director each  
16 submit to the jurisdiction of this state for purposes of making and  
17 filing reports, certificates and documents required for processing a  
18 death in this state and further each voluntarily agrees to be  
19 responsible for the costs of return of the dead body removed from  
20 this state upon request of an Oklahoma law enforcement officer,  
21 district attorney or Chief Medical Examiner as required for  
22 investigation of the death. A State of Oklahoma jurisdictional hold  
23 shall be placed on a dead body removed under the provisions of this  
24 section for seventy-two (72) hours during which time no burial or

1 cremation is authorized by the out-of-state funeral director. The  
2 jurisdictional hold shall automatically expire after seventy-two  
3 (72) hours from the time the dead body is removed from this state  
4 unless the body is required to be returned to this state for  
5 investigation.

6 G. For purposes of this section, the attending medical  
7 professional or physician shall complete the medical certification  
8 of death within forty-eight (48) hours after death as required by  
9 law pursuant to Section 1-317 of Title 63 of the Oklahoma Statutes.

10 H. The Board of Medicolegal Investigations together with the  
11 Chief Medical Examiner may promulgate rules, procedures and forms to  
12 implement and enforce the provisions of this section. In the  
13 alternative to a promulgated form, the Chief Medical Examiner may  
14 accept a written release statement prepared and filed by the out-of-  
15 state funeral director for an eligible and authorized death.

16 I. Nothing in this section shall be construed to restrict or  
17 expand the transport, cremation or any permit issuance for a dead  
18 body into or out of this state as authorized by another provision of  
19 law in this state or the laws of another state's jurisdiction.

20 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-317, as  
21 last amended by Section 2, Chapter 305, O.S.L. 2019 (63 O.S. Supp.  
22 2020, Section 1-317), is amended to read as follows:  
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1       Section 1-317. A. A death certificate for each death which  
2 occurs in this state shall be filed with the State Department of  
3 Health, within three (3) days after such death.

4       B. The funeral director shall personally sign the death  
5 certificate and shall be responsible for filing the death  
6 certificate. If the funeral director is not available, the person  
7 acting as such who first assumes custody of a dead body in  
8 accordance with Section 1158 of Title 21 of the Oklahoma Statutes  
9 shall personally sign and file the death certificate. For purposes  
10 of Section 1 of this act, the out-of-state funeral director shall  
11 personally sign and shall be responsible for filing the death  
12 certificate in this state. The personal data shall be obtained from  
13 the next of kin or the ~~best-qualified~~ best-qualified person or  
14 source available. The certificate shall be completed as to personal  
15 data and delivered to the attending physician or the medical  
16 examiner responsible for completing the medical certification  
17 portion of the certificate of death within twenty-four (24) hours  
18 after the death. ~~No later than July 1, 2012, the~~ The personal data,  
19 and ~~no later than July 1, 2017,~~ the medical certificate portion,  
20 shall be entered into the prescribed electronic system provided by  
21 the State Registrar of Vital Statistics and the information  
22 submitted to the State Registrar of Vital Statistics. The resultant  
23 certificate produced by the electronic system shall be provided to  
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1 the physician or medical examiner for medical certification within  
2 twenty-four (24) hours after the death.

3 C. The medical certification shall be completed and signed  
4 within forty-eight (48) hours after death by the physician in charge  
5 of the patient's care for the illness or condition which resulted in  
6 death, except when inquiry as to the cause of death is required by  
7 Section 938 of this title. ~~No later than July 1, 2017, the~~ The  
8 medical certification portion of certificate data shall be entered  
9 into the prescribed electronic system provided by the State  
10 Registrar of Vital Statistics and the information submitted to the  
11 State Registrar of Vital Statistics.

12 D. In the event that the physician in charge of the patient's  
13 care for the illness or condition which resulted in death is not in  
14 attendance at the time of death, the medical certification shall be  
15 completed and signed within forty-eight (48) hours after death by  
16 the physician in attendance at the time of death, except:

17 1. When the patient is under hospice care at the time of death,  
18 the medical certification may be signed by the hospice's medical  
19 director; and

20 2. When inquiry as to the cause of death is required by Section  
21 938 of this title.

22 Provided, that such certification, if signed by other than the  
23 attending physician, shall note on the face the name of the  
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1 attending physician and that the information shown is only as  
2 reported.

3 E. A certifier completing cause of death on a certificate of  
4 death who knows that a lethal drug, overdose or other means of  
5 assisting suicide within the meaning of Sections 3141.2 through  
6 3141.4 of this title caused or contributed to the death shall list  
7 that means among the chain of events under cause of death or list it  
8 in the box that describes how the injury occurred. If such means is  
9 in the chain of events under or in the box that describes how the  
10 injury occurred, the certifier shall indicate "suicide" as the  
11 manner of death.

12 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-329.1, as  
13 amended by Section 2, Chapter 385, O.S.L. 2017 (63 O.S. Supp. 2020,  
14 Section 1-329.1), is amended to read as follows:

15 Section 1-329.1. Until a permit for disposal has been issued in  
16 accordance with this section, no dead human body whose death  
17 occurred within ~~the State of Oklahoma~~ this state shall be cremated,  
18 buried at sea<sup>7</sup> or made unavailable for further pathologic study by  
19 other recognized means of destruction or dissolution of such  
20 remains, except as otherwise authorized herein.

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<sup>7</sup> 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. For purposes of Section 1  
4 of this act, no application-permit shall be required to transport an  
5 eligible body from the county of death in this state to the  
6 adjoining out-of-state county for cremation or burial provided the  
7 body is held by the out-of-state funeral director for the required  
8 seventy-two (72) hours prior to cremation or burial. The Office of  
9 the Chief Medical Examiner, in accordance with Section 948.1 of this  
10 title, shall charge a fee for each cremation permit issued. The  
11 Medical Examiner shall be notified, as required in Section 938 of  
12 this title. He or she shall perform the required investigation and  
13 shall issue a valid death certificate as required by Section 947 of  
14 this title and execute the permit in accordance with rules  
15 established by the Office of the Chief Medical Examiner. In order  
16 to be valid, each permit must contain an individual number assigned  
17 to the particular permit by the Office of the Chief Medical  
18 Examiner. A copy of the application-permit form and the original  
19 death certificate shall be filed with the State Registrar. The  
20 original application-permit form shall be filed by the funeral  
21 director with the Office of the Chief Medical Examiner. Such filing  
22 shall occur or be postmarked within forty-eight (48) hours of the  
23 death.

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

13        SECTION 4.        NEW LAW        A new section of law to be codified  
14 in the Oklahoma Statutes as Section 941a-1 of Title 63, unless there  
15 is created a duplication in numbering, reads as follows:

16        For an eligible death type enumerated in subsection A of Section  
17 1 of this act and solely for the purpose authorized in Section 1 of  
18 this act, the body of the deceased person may be released to the  
19 person legally entitled to take custody thereof upon a signed  
20 written release and statement naming the place where the body will  
21 be transported for funeral services in the adjoining out-of-state  
22 county, unless an attending medical professional, witness, law  
23 enforcement officer or emergency first responder has notified the  
24 Chief Medical Examiner, or his or her designee, of the need for

1 further investigation into the cause of death, or has notified the  
2 appropriate district attorney of such need. In the event  
3 investigation into the cause of death is required, the body shall be  
4 held by the medical examiner until such investigation is completed.

5 SECTION 5. AMENDATORY 63 O.S. 2011, Section 938, as  
6 amended by Section 6, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2020,  
7 Section 938), is amended to read as follows:

8 Section 938. A. All human deaths of the types listed herein  
9 shall be investigated as provided by law:

10 1. Violent deaths, whether apparently homicidal, suicidal, or  
11 accidental;

12 2. Deaths under suspicious, unusual or unnatural circumstances;

13 3. Deaths related to disease which might constitute a threat to  
14 public health;

15 4. Deaths unattended by a licensed physician for a fatal or  
16 ~~potentially-fatal~~ potentially fatal illness;

17 5. Deaths that are medically unexpected and that occur in the  
18 course of a therapeutic procedure;

19 6. Deaths of any persons detained or occurring in custody of  
20 penal incarceration; ~~and~~

21 7. Deaths of persons whose bodies are to be cremated,  
22 ~~transported out of the state,~~ donated to educational entities, to  
23 include limited portions of the body, or otherwise made ultimately  
24 unavailable for pathological study; and

1        8. Except as provided in Section 1 of this act, deaths  
2        transported out of state.

3        B. The Chief Medical Examiner shall state on the certificate of  
4 death of all persons whose death was caused by execution pursuant to  
5 a lawful court order that the cause of death was the execution of  
6 such order.

7        SECTION 6.        AMENDATORY        63 O.S. 2011, Section 947, as  
8 amended by Section 16, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2020,  
9 Section 947), is amended to read as follows:

10       Section 947. A. The certification of death of any person whose  
11 death is investigated under Section 931 et seq. of this title shall  
12 be made by the Chief Medical Examiner or his or her designee upon a  
13 medical examiner death certificate provided by the State Registrar  
14 of Vital Statistics. Such death certificates shall be valid only  
15 when signed by the Chief Medical Examiner or his or her designee.  
16 Copies of all such certificates shall be forwarded immediately upon  
17 receipt by the State Registrar of Vital Statistics to the Office of  
18 the Chief Medical Examiner.

19       B. Any certification of death by an attending physician may be  
20 referred by the State Registrar of Vital Statistics to the Chief  
21 Medical Examiner for investigation and the amending of the original  
22 certificate of death by the filing of a medical examiner death  
23 certificate by the Chief Medical Examiner or his or her designee  
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1 when the death is determined by the Chief Medical Examiner to be one  
2 properly requiring investigation under Section 938 of this title.

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

6 D. Medical examiner death certificates will not be required for  
7 transport of a body from the county of death in this state to the  
8 adjoining out-of-state county as authorized by Section 1 of this  
9 act.

10 SECTION 7. AMENDATORY 63 O.S. 2011, Section 948.1, as  
11 last amended by Section 9, Chapter 85, O.S.L. 2015 (63 O.S. Supp.  
12 2020, Section 948.1), is amended to read as follows:

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

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

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

22 a. permit for cremations that occur within the state:

23 One Hundred Dollars (\$100.00) to Two Hundred Dollars  
24 (\$200.00),

- b. forensic science service: One Hundred Dollars (\$100.00) to Three Thousand Dollars (\$3,000.00),
- c. report copies: Ten Dollars (\$10.00) for report of investigation, including toxicology, and Twenty Dollars (\$20.00) for an autopsy report, including toxicology,
- d. x-rays: Fifteen Dollars (\$15.00) each,
- e. microscopic slides, Hematoxylin and Eosin (H&E): Ten Dollars (\$10.00) each,
- f. special stains: Fifteen Dollars (\$15.00) each, and
- g. photographs: Twenty-five Dollars (\$25.00) per compact disc (CD) or other suitable digital storage media.

3. Medical examiner permit certificates shall be required in cases investigated solely for the purpose of issuing a permit for transporting a body out of state, except as provided in paragraph 6 of this subsection.

4. The Board of Medicolegal Investigations shall 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.

5. An out-of-state transport permit and cremation permit shall both be required for bodies containing body parts sent out of state or out of country, while remaining body parts remain unused.

1       6. No fee shall be charged, and no permit shall be required for  
2 an eligible body transported from the county of death in this state  
3 to the adjoining out-of-state county as authorized by Section 1 of  
4 this act.

5       B. The Board shall base the fee schedule for forensic science  
6 services, permits and reports upon reasonable costs of review,  
7 investigation and forensic science service delivery; provided,  
8 however, the fee schedule shall be within the ranges specified in  
9 subsection A of this section. The Board shall continue a system of  
10 basic and continuing educational service and training for all  
11 personnel who render forensic science services in order to ensure  
12 uniform statewide application of the rules of the Board. The Board  
13 shall consider the reasonable costs associated with such training  
14 and continuing education in setting the forensic science service  
15 fees.

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

21       D. All statutory fees currently in effect for permits or  
22 forensic science services administered by the Chief Medical Examiner  
23 and the Board of Medicolegal Investigations within the jurisdiction  
24 of the Office of the Chief Medical Examiner shall remain in effect



1 until such time as the Board acts to implement new schedules  
2 pursuant to the provisions of this section and Section 948 of this  
3 title.

4 SECTION 8. This act shall become effective July 1, 2021.

5 SECTION 9. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

9 Passed the Senate the 2nd day of March, 2021.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2021.

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17 Presiding Officer of the House  
18 of Representatives  
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