

1 ENGROSSED HOUSE
2 BILL NO. 3469

By: Lawson of the House

3 and

4 Stanley of the Senate
5
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7 An Act relating to public health and safety; amending
8 63 O.S. 2021, Section 944, which relates to
9 autopsies; providing for parent of a deceased child
10 to view and hold the body before medical examiner
11 assumes control over the body; providing exceptions;
12 providing conditions for viewing or holding the
13 deceased child; requiring consent of medical examiner
14 in certain circumstances; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2021, Section 944, is
18 amended to read as follows:

19 Section 944. A. When necessary in connection with an
20 investigation to determine the cause and/or manner of death and when
21 the public interest requires it, the Chief Medical Examiner, his or
22 her designee or a district attorney shall require and authorize an
23 autopsy to be conducted. In determining whether the public interest
24 requires an autopsy the medical examiner or district attorney
involved shall take into account but shall not be bound by request
therefor from private persons or from other public officials.

1 B. Except as provided by subsections C and D of this section, a
2 parent of a deceased child is entitled to view and to hold the
3 child's body before the medical examiner for the county in which the
4 death occurred assumes custody of the body pursuant to Section 938
5 of this title. If the child's death occurred at a hospital or other
6 health care facility, the viewing may be conducted at the hospital
7 or facility.

8 C. A parent of a deceased child may not view nor hold the
9 child's body after a medical examiner assumes custody of the body
10 pursuant to Section 941 of this title unless the parent first
11 obtains the consent of the district judge or medical examiner or a
12 person acting on behalf of the district judge or medical examiner.

13 D. A viewing or holding of the body of a deceased child whose
14 death is determined to be subject to an investigation under Section
15 938 of this title must be conducted in compliance with the following
16 conditions:

17 1. The viewing or holding must be supervised by:

- 18 a. a peace officer or, with the officer's consent, a
19 person described by subparagraph b of this paragraph,
20 if law enforcement has assumed custody of the body at
21 the time of the viewing or holding, or
22 b. a physician, registered nurse, licensed vocational
23 nurse, the medical examiner, or a person acting on
24 behalf of the medical examiner;

2. A parent of the deceased child may not have contact with the
child's body unless the parent first obtains the consent of the
medical examiner or his or her designee; and

3. A person may not remove a medical device from the child's body or otherwise alter the condition of the body for purposes of conducting the viewing or holding unless the person first obtains the consent of the medical examiner or his or her designee.

E. The medical examiner or his or her designee may collect and retain such blood, tissue, bone, fluid or body waste specimens as are deemed necessary to carry out his or her duties as specified in Section 931 et seq. of this title. No autopsy authorization shall be required as a prerequisite to the collection of such specimens.

SECTION 2. This act shall become effective November 1, 2022.

Passed the House of Representatives the 15th day of March, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the day of , 2022.

Presiding Officer of the Senate