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April 4, 2022

ENGROSSED HOUSE  
BILL NO. 3469

By: Lawson of the House

and

Stanley of the Senate

An Act relating to public health and safety; amending 63 O.S. 2021, Section 944, which relates to autopsies; providing for parent of a deceased child to view and hold the body before medical examiner assumes control over the body; providing exceptions; providing conditions for viewing or holding the deceased child; requiring consent of medical examiner in certain circumstances; and providing an effective date.

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

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

Section 944. A. When necessary in connection with an investigation to determine the cause and/or manner of death and when the public interest requires it, the Chief Medical Examiner, his or her designee or a district attorney shall require and authorize an autopsy to be conducted. In determining whether the public interest 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;

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

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

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

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

14        COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
15        April 4, 2022 - DO PASS  
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