

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3469

By: Lawson

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5
6 AS INTRODUCED

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 the body before medical examiner assumes
11 control over the body; providing exceptions;
12 providing conditions for viewing the deceased child;
13 requiring consent of medical examiner in certain
14 circumstances; and providing an effective date.

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

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

18 Section 944. A. When necessary in connection with an
19 investigation to determine the cause and/or manner of death and when
20 the public interest requires it, the Chief Medical Examiner, his or
21 her designee or a district attorney shall require and authorize an
22 autopsy to be conducted. In determining whether the public interest
23 requires an autopsy the medical examiner or district attorney
24 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 the child's body
3 before the medical examiner for the county in which the death
4 occurred assumes custody of the body pursuant to Section 938 of this
5 title. If the child's death occurred at a hospital or other health
6 care facility, the viewing may be conducted at the hospital or
7 facility.

8 C. A parent of a deceased child may not view the child's body
9 after a medical examiner assumes custody of the body pursuant to
10 Section 941 of this title unless the parent first obtains the
11 consent of the district judge or medical examiner or a person acting
12 on behalf of the district judge or medical examiner.

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

17 1. The viewing 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

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 unless the person first obtains the consent
7 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.

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15 58-2-9128 CMA 12/27/21
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