

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1853

By: McIntosh

AS INTRODUCED

An Act relating to medicolegal investigations; amending 63 O.S. 2021, Section 941, as amended by Section 2, Chapter 251, O.S.L. 2024 (63 O.S. Supp. 2025, Section 941), which relates to investigation by medical examiner; requiring investigation to include certain components; amending 63 O.S. 2021, Section 942, which relates to report of findings; requiring certain information to be documented on report under specified conditions; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 941, as amended by Section 2, Chapter 251, O.S.L. 2024 (63 O.S. Supp. 2025, Section 941), is amended to read as follows:

Section 941. A. Upon receipt of notice of death of any person which under Section 931 et seq. of this title is subject to investigation, a representative death investigator from the Office of the Chief Medical Examiner shall immediately initiate an investigation and shall document in detail, by the end of his or her assigned shift, all the known and available facts of the death scene in the electronic database of the Chief Medical Examiner. Decedent

1 specimens, evidence, and photographs shall be sent to the Office of  
2 the Chief Medical Examiner. The investigating official of the  
3 Office of the Chief Medical Examiner may take charge of any object  
4 or writing found on or near the body which is deemed necessary for  
5 the purpose of establishing the cause and/or manner of death.

6 B. Upon conclusion of the investigation and determination that  
7 such objects or writings are no longer needed as evidence, the  
8 medical examiner or the medical examiner's designee may deliver them  
9 to the district attorney, law enforcement agency, or family for  
10 disposition.

11 C. The investigating medical examiner or the medical examiner's  
12 designee shall have access at all times to any and all medical and  
13 dental records and history of the deceased including, but not  
14 limited to, radiographs and medical records in the course of his or  
15 her official investigation to determine the cause and manner of  
16 death. Such records may not be released to any other person by the  
17 medical examiner, and the custodians of such records shall incur no  
18 liability by reason of the release of such records to the medical  
19 examiner.

20 D. 1. The body of the deceased shall be turned over to the  
21 funeral director designated by the person responsible for burial  
22 within twenty-four (24) hours of receipt of the decedent unless a  
23 longer period is necessary to complete the required investigation.  
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2. The investigation shall be concluded and the case completed within sixty (60) calendar days after the Office of the Chief Medical Examiner assumes custody of the body, unless circumstances exist that prevent adherence to this timeline.

E. Each investigation shall include:

1. A review of the medication, immunization, and medical records of the deceased, as available through state health databases or other sources;

2. An autopsy, if deemed necessary by the medical examiner to determine the cause of death; and

3. Microscopic and toxicology studies, if deemed necessary by the medical examiner to determine the cause of death.

SECTION 2. AMENDATORY 63 O.S. 2021, Section 942, is amended to read as follows:

Section 942. A. 1. Upon completion of an investigation, the medical examiner shall reduce his or her findings to writing upon the form supplied to the medical examiner which shall be promptly sent to the Chief Medical Examiner by mail.

2. If the medical examiner finds that the deceased had illicit, prescription or nonprescription drugs in his or her system at the time of death, the medical examiner shall document in his or her findings if the death was:

- a. a natural or accidental death with drug involvement,
- b. a homicide by drugs,

1 c. a suicide by drug overdose, or

2 d. a death with drug involvement, but the manner of death  
3 could not be determined.

4 3. A fatality shall not be considered a drug-related death  
5 unless the medical examiner determines that the drug or drugs  
6 present in the deceased materially contributed to the death.

7 B. Copies of reports shall be furnished by the Chief Medical  
8 Examiner to investigating agencies having official interest therein.  
9 Copies of reports shall also be furnished to the spouse of the  
10 deceased or any person within one degree of consanguinity of the  
11 deceased upon request and within five (5) business days of the  
12 request once the cause and manner of death have been determined and  
13 the death certificate has been issued.

14 C. 1. The medical examiner shall document in the investigative  
15 report any new medications, immunizations, or emergency  
16 countermeasures administered to the deceased within ninety (90) days  
17 before death.

18 2. If the medical examiner reasonably believes that suicide may  
19 have caused the death, the medical examiner shall document on the  
20 report that the death was a suicide, a probable suicide, or a  
21 possible suicide, based on the available evidence.

22 SECTION 3. This act shall become effective November 1, 2026.  
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