

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1901

By: Jett

6 AS INTRODUCED

7 An Act relating to public health and safety;  
8 prohibiting certain actions by certain entities;  
9 requiring certain information be electronically  
10 recorded; authorizing the report of certain  
11 violations; providing certain protections;  
12 authorizing the promulgation of rules; establishing  
13 certain civil penalty; amending 63 O.S. 2021, Section  
14 3122, which relates to the determination of death;  
15 requiring secondary verification of death by certain  
16 individuals; updating statutory language; providing  
17 for codification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 2200.28A of Title 63, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. Hospital staff, representatives of procurement  
23 organizations, or any other party involved with the procurement of  
24 anatomical gifts or the determination of death of a prospective  
donor or decedent shall not make inquiries relating to, or otherwise  
discuss, potential anatomical gifts with the immediate family of a  
decedent within twenty-four (24) hours of the official determination

1 of death of such decedent pursuant to Section 3122 of Title 63 of  
2 the Oklahoma Statutes.

3       B. Hospital staff, representatives of procurement  
4 organizations, or any other party involved with the procurement of  
5 anatomical gifts or the determination of death of a prospective  
6 donor or decedent, in the course of discussing the collection of  
7 potential anatomical gifts with the immediate family of a decedent,  
8 shall not:

- 9       1. Misrepresent the status of the LifeShare Donor Registry;
- 10      2. Imply that the donation of an anatomical gift will hasten  
11 end-of-life care; or
- 12      3. Suggest financial compensation for an anatomical gift.

13       C. A procurement organization or its representatives shall  
14 provide families of prospective donors or decedents:

- 15      1. Full disclosure of potential conflicts of interest;
- 16      2. A written summary of the donation process; and
- 17      3. Contact information for an independent state ombudsperson  
18 for complaints.

19       All discussions of potential anatomical gifts between an organ  
20 processing organization and the family of a potential donor or  
21 decedent shall, with the written consent of the family of a  
22 potential donor or decedent, be electronically recorded.

23       D. Any person may report to the State Department of Health any  
24 violation of the provisions of this section. If a person who  
25

1 reports such violations to the Department is an employee of the  
2 entity that is the subject of the violation, that person shall be  
3 granted anonymity, and such entity shall not take disciplinary  
4 action against such person.

5       E. The Department shall investigate all reports of violations  
6 of this section. The State Commissioner of Health may promulgate  
7 rules to enforce the provisions of this section.

8       F. Hospital staff, representatives of procurement  
9 organizations, or any other party involved with the procurement of  
10 anatomical gifts or the determination of death of a decedent who  
11 violates the provisions of this section shall be subject to a civil  
12 penalty not to exceed Fifty Thousand Dollars (\$50,000.00) for each  
13 violation. Each individual violation shall be considered a separate  
14 violation

15       SECTION 2.       AMENDATORY       63 O.S. 2021, Section 3122, is  
16 amended to read as follows:

17       Section 3122.    A. An individual who has sustained either:

18       1. irreversible Irreversible cessation of circulatory and  
19 respiratory functions; or

20       2. irreversible Irreversible cessation of all functions of the  
21 entire brain, including the brain stem,  
22 is dead. A determination of death must be made in accordance with  
23 accepted medical standards; provided, however, all reasonable

24  
25

1 attempts to restore spontaneous circulatory or respiratory functions  
2 shall first be made, prior to such declaration.

3       B. For the purpose of anatomical gifts, any declaration of  
4       death listed in subsection A of this section shall be confirmed by a  
5       second, independent neurologist or licensed physician who is not  
6       affiliated with the treating hospital, transplant team, organ  
7       procurement organization, or anatomical donor program.

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

10      60-2-3116            BRC            1/15/2026 8:39:48 AM