

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1901

By: Jett

AS INTRODUCED

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

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

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

A. Hospital staff, representatives of procurement
organizations, or any other party involved with the procurement of
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
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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
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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.

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