

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 707

By: Rosino

4
5 AS INTRODUCED

6 An Act relating to medicolegal investigations;
7 amending 63 O.S. 2021, Section 942, which relates to
8 report of findings; requiring furnishing of report to
9 certain persons; requiring the Office of the Chief
10 Medical Examiner to make certain disclosure;
11 requiring certain notice to contain specified
12 information; imposing certain duty on licensed
13 funeral directors; providing for codification; and
14 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 942, is
17 amended to read as follows:

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

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

- 26 a. a natural or accidental death with drug involvement,
- 27 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:

9 1. Investigating agencies having official interest therein.
10 ~~Copies of reports shall also be furnished to the;~~

11 2. The person legally entitled to the custody of the body of
12 the deceased, or his or her representative to whom the body is
13 released under Section 941a of this title, upon or before the
14 release of the body; and

15 3. The spouse of the deceased or any person within one degree
16 of consanguinity of the deceased upon request and within five (5)
17 business days of the request once the cause and manner of death have
18 been determined and the death certificate has been issued.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 944.3 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 A. If, in the course of an investigation, the Office of the
23 Chief Medical Examiner declines to conduct an autopsy under Section
24 944 of Title 63 of the Oklahoma Statutes, the Office shall so inform

1 the person legally entitled to the custody of the body of the
2 deceased, or his or her representative to whom the body is released
3 under Section 941a of Title 63 of the Oklahoma Statutes, through a
4 written notice upon or before the release of the body.

5 B. The written notice shall accompany the report issued and
6 furnished to such person or representative under Section 942 of
7 Title 63 of the Oklahoma Statutes. The written notice shall
8 summarize any evidence detailed in the report relevant to the
9 decision not to conduct an autopsy and shall contain an explanation
10 in plain language of the justification for such decision. The
11 written notice shall state that the person may have the right to
12 request a private autopsy at personal expense from an authorized
13 physician or hospital under Section 1154 of Title 21 of the Oklahoma
14 Statutes.

15 C. If the body is released to a representative of the person
16 legally entitled to the custody of the body and if that
17 representative is a funeral director licensed in this state, the
18 funeral director shall provide the person with the written notice
19 described in this section.

20 SECTION 3. This act shall become effective November 1, 2023.

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