

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 642

By: Treat

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5  
6 AS INTRODUCED

7 An Act relating to abortion; requiring physicians to  
8 preserve fetal tissue under certain circumstances;  
9 directing State Board of Health to promulgate rules;  
10 providing standards for rules; providing punishments  
11 for violations; providing for codification; and  
12 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1-749 of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. Any physician who performs an abortion on a child who is  
18 less than fourteen (14) years of age at the time of the abortion  
19 procedure shall preserve, in accordance with rules promulgated by  
20 the State Board of Health, fetal tissue extracted during such  
21 abortion. The physician shall submit the tissue to the State  
22 Department of Health.

23 B. The State Board of Health shall adopt rules to implement the  
24 provisions of this act. Such rules shall contain, at a minimum:

1           1. The amount and type of fetal tissue to be preserved and  
2 submitted by a physician pursuant to the provisions of this act;

3           2. Procedures for the proper preservation of such tissue for  
4 the purposes of DNA testing and examination;

5           3. Procedures for documenting the chain of custody of such  
6 tissue for use as evidence;

7           4. Procedures for the proper disposal of fetal tissue preserved  
8 pursuant to this act;

9           5. A uniform reporting form mandated to be utilized by  
10 physicians when submitting fetal tissue under this act, which shall  
11 include the name and address of the physician submitting the fetal  
12 tissue and the name and complete address of residence of the parent  
13 or legal guardian of the child upon whom the abortion was performed;  
14 and

15           6. Procedures for communication with law enforcement regarding  
16 evidence and information obtained pursuant to this act.

17           C. Failure of a physician to comply with any provision of this  
18 act or any rule adopted thereunder:

19           1. Shall constitute unprofessional conduct pursuant to the  
20 provisions of Section 509 of Title 59 of the Oklahoma Statutes; and

21           2. Shall result in the physician being deemed guilty of a  
22 felony.

23           SECTION 2. This act shall become effective November 1, 2015.

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