

An Act

ENROLLED SENATE
BILL NO. 647

By: Pugh of the Senate

and

Stark and Roberts (Sean) of
the House

An Act relating to childbirth; amending Section 1, Chapter 120, O.S.L. 2019 (63 O.S. Supp. 2020, Section 3129), which relates to disposition of remains of a child; creating "Lily's Law"; providing definitions; clarifying facilities subject to certain provisions; and providing an effective date.

SUBJECT: Childbirth

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

SECTION 1. AMENDATORY Section 1, Chapter 120, O.S.L. 2019 (63 O.S. Supp. 2020, Section 3129), is amended to read as follows:

Section 3129. A. This section shall be known and may be cited as "Lily's Law".

B. As used in this section:

1. "Fetal death" means:

a. spontaneous death prior to the complete expulsion or extraction from its mother of an unborn child, irrespective of gestational age. The death is indicated by the fact that, after such expulsion or

extraction, the unborn child does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles,

- b. death that occurs as the result of accidental trauma or a criminal assault on the pregnant female or her unborn child, irrespective of gestational age, or
- c. death that occurs, irrespective of gestational age, from the use or prescription of any instrument, medicine, drug or any other substance or device to remove an ectopic pregnancy; and

2. "Stillbirth" shall have the same meaning as provided by subparagraph a of paragraph 1 of this subsection.

C. Every licensed hospital, birthing center or medical facility in this state shall maintain a written policy for the disposition of the remains of a child from a stillbirth or fetal death event, ~~as defined pursuant to Section 1-301 of Title 63 of the Oklahoma Statutes,~~ at such hospital, birthing center or medical facility. A parent of the child shall have the right to direct the disposition of the remains, except that disposition may be made by the hospital, birthing center or medical facility if no direction is given by a parent within fourteen (14) days following the delivery of the remains. The policy and the disposition shall comply with all applicable provisions of state and federal law. Upon the delivery of a child from a stillbirth or a fetal death event, the hospital, birthing center or medical facility shall notify at least one (1) parent of the parents' right to direct the disposition of the remains of the child and shall provide at least (1) one parent with a copy of its policy with respect to disposition.

~~B.~~ D. Except as otherwise provided by law, nothing in this section shall be interpreted to prohibit any hospital, birthing center or medical facility from providing additional notification and assistance to the parent of a child delivered as a stillbirth or a fetal death event at the hospital, birthing center or medical facility relating to the disposition of the remains of the child.

SECTION 2. This act shall become effective November 1, 2021.

Passed the Senate the 10th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____