

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 647

By: Pugh

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5
6 AS INTRODUCED

7 An Act relating to childbirth; amending Section 1,
8 Chapter 120, O.S.L. 2019 (63 O.S. Supp. 2020, Section
9 3129), which relates to disposition of remains of a
10 child; creating "Lily's Law"; providing definitions;
11 clarifying facilities subject to certain provisions;
12 and providing an effective date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 120, O.S.L.
15 2019 (63 O.S. Supp. 2020, Section 3129), is amended to read as
16 follows:

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

B. As used in this section:

19 1. "Fetal death" means:

20 a. spontaneous death prior to the complete expulsion or
21 extraction from its mother of a product of human
22 conception, irrespective of gestational age. The
23 death is indicated by the fact that, after such
24 expulsion or extraction, the fetus does not breathe or

1 show any other evidence of life such as beating of the
2 heart, pulsation of the umbilical cord or definite
3 movement of voluntary muscles,

4 b. death that occurs as the result of accidental trauma
5 or a criminal assault on the pregnant female or her
6 unborn child, irrespective of gestational age, or

7 c. death that occurs, irrespective of gestational age,
8 from the use or prescription of any instrument,
9 medicine, drug, or any other substance or device to
10 remove an ectopic pregnancy; and

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

13 C. Every licensed hospital, birthing center or medical facility
14 in this state shall maintain a written policy for the disposition of
15 the remains of a child from a stillbirth or fetal death event, as
16 defined pursuant to Section 1-301 of Title 63 of the Oklahoma
17 Statutes, at such hospital, birthing center or medical facility. A
18 parent of the child shall have the right to direct the disposition
19 of the remains, except that disposition may be made by the hospital,
20 birthing center or medical facility if no direction is given by a
21 parent within fourteen (14) days following the delivery of the
22 remains. The policy and the disposition shall comply with all
23 applicable provisions of state and federal law. Upon the delivery
24 of a child from a stillbirth or a fetal death event, the hospital,

1 birthing center or medical facility shall notify at least one (1)
2 parent of the parents' right to direct the disposition of the
3 remains of the child and shall provide at least (1) one parent with
4 a copy of its policy with respect to disposition.

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

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

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