

1 **SENATE FLOOR VERSION**

2 February 22, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 647

6 By: Pugh

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

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

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

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

20 B. As used in this section:

21 1. "Fetal death" means:

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

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

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

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

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

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

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
14 February 22, 2021 - DO PASS AS AMENDED  
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