

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 647

By: Pugh of the Senate

and

Stark of the House

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

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

17 SECTION 1. AMENDATORY Section 1, Chapter 120, O.S.L.
18 2019 (63 O.S. Supp. 2020, Section 3129), is amended to read as
19 follows:

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

22 B. As used in this section:

23 1. "Fetal death" means:

24 a. spontaneous death prior to the complete expulsion or
 extraction from its mother of an unborn child,

1 irrespective of gestational age. The death is
2 indicated by the fact that, after such expulsion or
3 extraction, the unborn child does not breathe or show
4 any other evidence of life such as beating of the
5 heart, pulsation of the umbilical cord or definite
6 movement of voluntary muscles,

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

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

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

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

1 remains. The policy and the disposition shall comply with all
2 applicable provisions of state and federal law. Upon the delivery
3 of a child from a stillbirth or a fetal death event, the hospital,
4 birthing center or medical facility shall notify at least one (1)
5 parent of the parents' right to direct the disposition of the
6 remains of the child and shall provide at least (1) one parent with
7 a copy of its policy with respect to disposition.

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

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

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16 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
17 SERVICES, dated 03/30/2021 - DO PASS.

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