

1 **SENATE FLOOR VERSION**

2 February 20, 2017

3 SENATE BILL NO. 763

By: Treat

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5
6 An Act relating to abortion; requiring physicians to
7 preserve and submit fetal tissue under certain
8 circumstances; providing standards for rules;
9 providing punishments for violations; providing for
10 codification; and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-750.1 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 A. Any physician who performs an abortion on a minor who is
16 less than fourteen (14) years of age at the time of the abortion
17 shall preserve, in accordance with rules promulgated by the Oklahoma
18 State Bureau of Investigation, fetal tissue extracted during such
19 abortion. The physician shall submit the tissue to the Oklahoma
20 State Bureau of Investigation.

21 B. The Oklahoma State Bureau of Investigation shall adopt rules
22 to implement the provisions of this section. Such rules shall
23 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 section;

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 section;

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

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

17 C. Failure of a physician to comply with any requirement of
18 this section 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. Is a felony.

22 SECTION 2. This act shall become effective November 1, 2017.

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
24 February 20, 2017 - DO PASS