

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2013

By: **Pae, Harris, Fugate, and Gise** of the House

7 and

8 **Stanley** of the Senate

10 COMMITTEE SUBSTITUTE

11 An Act relating to sudden unexpected death in epilepsy (SUDEP); creating Dylan's Law; providing insurance coverage for individuals diagnosed with epilepsy; prohibiting refusal of coverage or renewal based on epilepsy diagnoses; mandating coverage for seizure protection; defining terms; authorizing Service Oklahoma to create certain driver licenses for people diagnosed with epilepsy; prescribing the use of a unique symbol; making the use of the symbol voluntary; amending 63 O.S. 2021, Section 1-106, as amended by Section 1, Chapter 85, O.S.L. 2022 (63 O.S. Supp. 2024, Section 1-106), which relates to State Commissioner of Health, qualifications, and powers and duties; adding a power and duty to the Commissioner of Health; amending 63 O.S. 2021, Section 1-118, which relates to the creation of Division of Health Care Information, duties, rules, contracts, grants, and contributions; adding a duty to the Division of Health Care Information; amending 63 O.S. 2021, Section 934, which relates to appointment and qualifications of examiner; directing the Chief Medical Examiner to provide information about sudden unexpected death in epilepsy; amending 63 O.S. 2021, Section 945, which relates to person to perform autopsy, extent, report of findings, and records request; requiring an investigation and determination of sudden unexpected death in epilepsy

1 of an individual with a history of seizures;
2 requiring certain notations on death certificates;
3 requiring certain reporting; providing for
4 noncodification; providing for codification; and
5 providing an effective date.

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

7 SECTION 1. NEW LAW A new section of law not to be
8 codified in the Oklahoma Statutes reads as follows:

9 This act shall be known and may be cited as "Dylan's Law."

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6060.31 of Title 36, unless
12 there is created a duplication in numbering, reads as follows:

13 A. All individual and group health insurance policies, issued
14 pursuant to provisions of the Patient Protection and Affordable Care
15 Act, 42 U.S.C., Chapter 157, that provide medical and surgical
16 benefits shall provide the same coverage and benefits to any
17 individual who has been diagnosed with epilepsy as it would provide
18 coverage and benefits to an individual who has not been diagnosed
19 with epilepsy.

20 B. No insurer, subject to the Affordable Care Act, shall
21 terminate coverage or refuse to renew an individual's health
22 insurance coverage solely based upon the individual's diagnosis of
23 epilepsy.

1 C. To reduce the risk of death from sudden unexpected death in
2 epilepsy (SUDEP), all individual and group health insurance policies
3 that provide medical and surgical benefits, pursuant to the
4 Affordable Care Act, shall adopt medical policies that provide
5 coverage for medically necessary neurostimulation devices prescribed
6 by a physician who is actively treating the enrollee.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 6-130 of Title 47, unless there
9 is created a duplication in numbering, reads as follows:

10 A. 1. Effective June 1, 2026, Service Oklahoma shall permit a
11 driver license or state identification cardholder to voluntarily
12 designate with the placement of a unique symbol that the person has
13 been diagnosed with epilepsy by a licensed physician. The
14 designation shall be used by a law enforcement officer or an
15 emergency medical professional to identify and effectively
16 communicate with a person who has been diagnosed with epilepsy and
17 shall not be used for any other purpose by any other person.

18 2. The cardholder may choose whether the voluntary designation
19 indicating that a person has been diagnosed with epilepsy, pursuant
20 to paragraph 1 of this subsection, shall be displayed on the driver
21 license or identification card or in the Oklahoma Law Enforcement
22 Telecommunications System (OLETS) in accordance with procedures
23 prescribed by Service Oklahoma. A holder of a driver license or
24 identification card who makes a voluntary designation pursuant to

1 this section shall have the opportunity to remove the designation at
2 any time.

3 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-106, as
4 amended by Section 1, Chapter 85, O.S.L. 2022 (63 O.S. Supp. 2024,
5 Section 1-106), is amended to read as follows:

6 Section 1-106. A. The State Commissioner of Health shall serve
7 at the pleasure of the Governor, and shall have skill and experience
8 in public health duties and sanitary sciences and shall meet at
9 least one of the following qualifications:

10 1. Possession of a Doctor of Medicine Degree and a license to
11 practice medicine in this state;

12 2. Possession of an Osteopathic Medicine Degree and a license
13 to practice medicine in this state;

14 3. Possession of a Doctoral degree in Public Health or Public
15 Health Administration; or

16 4. Possession of a Master of Science Degree and a minimum of
17 five (5) years of supervisory experience in the administration of
18 health services.

19 B. The Commissioner shall be exempt from all qualifications
20 enumerated in subsection A of this section if the Commissioner
21 possesses at least a master's degree and has experience in
22 management of state agencies or large projects.

23 C. The Commissioner shall have the following powers and duties,
24 unless otherwise directed by the Governor:

1 1. Have general supervision of the health of the citizens of
2 the state; make investigations, inquiries and studies concerning the
3 causes of disease and injury, and especially of epidemics, and the
4 causes of mortality, and the effects of localities, employment,
5 conditions and circumstances on the public health; investigate
6 conditions as to health, sanitation and safety of schools, prisons,
7 public institutions, mines, public conveyances, camps, places of
8 group abode, and all buildings and places of public resort, and
9 recommend, prescribe and enforce such measures of health, sanitation
10 and safety for them as the Commissioner deems advisable; take such
11 measures as deemed necessary by the Commissioner to control or
12 suppress, or to prevent the occurrence or spread of, any
13 communicable, contagious or infectious disease, and provide for the
14 segregation and isolation of persons having or suspected of having
15 any such disease; designate places of quarantine or isolation;
16 advise state and local governments on matters pertaining to health,
17 sanitation and safety; and abate any nuisance affecting injuriously
18 the health of the public or any community. Any health information
19 or data acquired by the Commissioner from any public agency, which
20 information or data is otherwise confidential by state or federal
21 law, shall remain confidential notwithstanding the acquisition of
22 this information by the Commissioner.

23 2. Be the executive officer and supervise the activities of the
24 State Department of Health, and act for the Department in all

1 matters except as may be otherwise provided in this Code; administer
2 oaths at any hearing or investigation conducted pursuant to this
3 Code; and enforce rules and standards adopted by the Commissioner.
4 All rules adopted by the Commissioner are subject to the terms and
5 conditions of the Administrative Procedures Act.

6 3. Appoint an Assistant State Commissioner of Health and fix
7 the qualifications, duties and compensation of the Assistant State
8 Commissioner of Health; and employ, appoint and contract with, and
9 fix the qualifications, duties and compensation of, such other
10 assistants, doctors, engineers, attorneys, sanitarians, nurses,
11 laboratory personnel, administrative, clerical and technical help,
12 investigators, aides and other personnel and help, either on a full-
13 time, part-time, fee or contractual basis, as shall be deemed by the
14 Commissioner necessary, expedient, convenient or appropriate to the
15 performance or carrying out of any of the purposes, objectives or
16 provisions of this Code, or to assist the Commissioner in the
17 performance of official duties and functions.

18 4. Cause investigations, inquiries and inspections to be made,
19 and hold hearings and issue orders pursuant to the provisions of the
20 Administrative Procedures Act, to enforce and make effective the
21 provisions of this Code, and all rules and standards adopted by the
22 Commissioner pursuant to law and the Commissioner or the
23 representative of the Commissioner shall have the right of access to
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1 any premises for such purpose at any reasonable time, upon
2 presentation of identification.

3 5. Authorize persons in the State Department of Health to
4 conduct investigations, inquiries and hearings, and to perform other
5 acts that the Commissioner is authorized or required to conduct or
6 perform personally.

7 6. Except as otherwise provided by law, all civil and criminal
8 proceedings under this Code shall be initiated and prosecuted by the
9 district attorney where the violation takes place.

10 7. Issue subpoenas for the attendance of witnesses and the
11 production of books and records at any hearing to be conducted by
12 the Commissioner; and if a person disobeys any such subpoena, or
13 refuses to give evidence before, or to allow books and records to be
14 examined by, the Commissioner after such person is directed to do
15 so, the Commissioner may file a contempt proceeding in the district
16 court of the county in which the premises involved are situated, or,
17 if no premises are involved, of the county in which such person
18 resides or has a principal place of business, and a judge of such
19 court, after a trial de novo, may punish the offending person for
20 contempt.

21 8. Unless otherwise required by the terms of a federal grant,
22 sell, exchange or otherwise dispose of personal property that has
23 been acquired by the State Department of Health, or any of its
24 components, when such property becomes obsolete or is no longer

1 needed; any money derived therefrom shall be deposited in the Public
2 Health Special Fund.

3 9. Sell films, educational materials, biological products and
4 other items produced by the State Department of Health; and all
5 proceeds therefrom shall be deposited in the Public Health Special
6 Fund.

7 10. Revoke or cancel, or suspend for any period up to one (1)
8 year, any license or permit issued under or pursuant to this Code,
9 or by the Commissioner, when the Commissioner determines that ground
10 therefor as prescribed by this Code exists, or that the holder of
11 such license or permit has violated any law, or any of the
12 provisions of this Code, or any rules or standards of the
13 Commissioner filed with the Secretary of State, but the Commissioner
14 shall first afford the holder an opportunity to show cause why the
15 license or permit should not be revoked, canceled or suspended,
16 notice of such opportunity to be given by certified United States
17 Mail to the holder of the license or permit at the last-known
18 address of such holder.

19 11. Accept, use, disburse and administer grants, allotments,
20 gifts, devises, bequests, appropriations and other monies and
21 property offered or given to the State Department of Health, or any
22 component or agency thereof, by any agency of the federal
23 government, or any corporation or individual.

1 12. Be the official agency of the State of Oklahoma in all
2 matters relating to public health which require or authorize
3 cooperation of the State of Oklahoma with the federal government or
4 any agency thereof; coordinate the activities of the State
5 Department of Health with those of the federal government or any
6 department or agency thereof, and with other states, on matters
7 pertaining to public health, and enter into agreements for such
8 purpose, and may accept, use, disburse and administer, for the
9 office of the Commissioner or for the State Department of Health,
10 for any purpose designated and on the terms and conditions thereof,
11 grants of money, personnel and property from the federal government
12 or any department or agency thereof, or from any state or state
13 agency, or from any other source, to promote and carry on in this
14 state any program relating to the public health or the control of
15 disease, and enter into agreements for such purposes.

16 13. The State Commissioner of Health may appoint commissioned
17 peace officers, certified by the Council on Law Enforcement
18 Education and Training, to investigate violations of the Public
19 Health Code and to provide security to Department facilities.

20 14. Pursuant to Section 2 of this act, the State Commissioner
21 of Health shall appoint a Chief Medical Officer who reports directly
22 to the State Commissioner of Health.

23 15. The State Commissioner of Health shall, in consultation
24 with local and national organizations that provide education or

1 services related to epilepsy conditions, provide guidance to medical
2 doctors, osteopathic physicians, nurse practitioners, and physician
3 assistants who have the primary responsibility for treatment of a
4 person with epilepsy to assist in determining whether a patient is
5 at elevated risk for sudden unexpected death in epilepsy (SUDEP),
6 including, but not limited to, whether the patient has had
7 convulsive seizures, the frequency and recency of such seizures, and
8 whether the patient's symptoms have subsided in response to
9 medicinal or surgical treatment.

10 SECTION 5. AMENDATORY 63 O.S. 2021, Section 1-118, is
11 amended to read as follows:

12 Section 1-118. A. The Division of Health Care Information is
13 hereby created within the State Department of Health.

14 B. The Division shall:

15 1. Collect from providers health care information for which the
16 Division has established a defined purpose and a demonstrated
17 utility that is consistent with the intent of the provisions of
18 Section 1-117 et seq. of this title;

19 2. Establish and maintain a uniform health care information
20 system;

21 3. Analyze health care data submitted including, but not
22 limited to, geographic mapping of disease entities;

23 4. Provide for dissemination of health care data to users and
24 consumers;

1 5. Provide for the training and education of information
2 providers regarding processing and maintenance and methods of
3 reporting required information;

4 6. Be authorized to access all state agency health-related data
5 sets and shall develop mechanisms for the receipt of health care
6 data to the Division or its agent; provided, however, all provisions
7 for confidentiality shall remain in place;

8 7. Provide for the exchange of information with other agencies
9 or political subdivisions of this state, the federal government or
10 other states, or agencies thereof. The Division shall collaborate
11 with county health departments, including the Oklahoma City-County
12 Health Department and the Tulsa City-County Health Department, in
13 developing city-county based health data sets;

14 8. Contract with other public or private entities for the
15 purpose of collecting, processing or disseminating health care data;
16 and

17 9. Build and maintain the data base; and

18 10. In an effort to reduce deaths from sudden unexpected death
19 in epilepsy (SUDEP), develop an information program in the Injury
20 Prevention Service to be disseminated to the public and licensed
21 medical professionals to notify individuals with epilepsy of the
22 danger of SUDEP; and encourage the American Medical Association to
23 add a Current Procedural Terminology (CPT) Code for epilepsy
24 education by a medical service professional.

1 C. 1. The State Board of Health shall adopt rules governing
2 the acquisition, compilation and dissemination of all data collected
3 pursuant to the Oklahoma Health Care Information System Act.

4 2. The rules shall include, but not be limited to:

- 5 a. adequate measures to provide system security for all
6 data and information acquired pursuant to the Oklahoma
7 Health Care Information System Act,
- 8 b. adequate procedures to ensure confidentiality of
9 patient records,
- 10 c. charges for users for the cost of data preparation for
11 information that is beyond the routine data
12 disseminated by the office, and
- 13 d. time limits for the submission of data by information
14 providers.

15 D. The Division shall adopt standard nationally recognized
16 coding systems to ensure quality in receiving and processing data.

17 E. The Division shall implement mechanisms to encrypt all
18 personal identifiers contained in any health care data upon
19 transmission to the State Department of Health, and all such data
20 shall remain encrypted while maintained in the Department's database
21 or while used by a contractor.

22 F. The Division may contract with an organization for the
23 purpose of data analysis. Any contract or renewal thereof shall be
24 based on the need for, and the feasibility, cost and performance of,

1 services provided by the organization. The Division shall require
2 any data analyzer at a minimum to:

- 3 1. Analyze the information;
- 4 2. Prepare policy-related and other analytical reports as
5 determined necessary for purposes of this act; and
- 6 3. Protect the encryption and confidentiality of the data.

7 G. The Board shall have the authority to set fees and charges
8 with regard to the collection and compilation of data requested for
9 special reports, and for the dissemination of data. These funds
10 shall be deposited in the Oklahoma Health Care Information System
11 Revolving Fund account.

12 H. The Division may accept grants or charitable contributions
13 for use in carrying out the functions set forth in the Oklahoma
14 Health Care Information System Act from any source. These funds
15 shall be deposited in the Oklahoma Health Care Information System
16 Revolving Fund.

17 SECTION 6. AMENDATORY 63 O.S. 2021, Section 934, is
18 amended to read as follows:

19 Section 934. The Board of Medicolegal Investigations shall
20 appoint a Chief Medical Examiner who shall be a physician licensed
21 to practice in Oklahoma and a Diplomate of the American Board of
22 Pathology or the American Osteopathic Board of Pathology in forensic
23 pathology. The Chief Medical Examiner shall serve at the pleasure
24 of the Board. The Chief Medical Examiner shall provide to all

1 employees of the Chief Medical Examiner's Office and licensed
2 medical professionals authorized by law to sign death certificates,
3 information about sudden unexpected death in epilepsy (SUDEP). In
4 addition to the duties prescribed by law, the Chief Medical Examiner
5 may teach in any educational capacity.

6 SECTION 7. AMENDATORY 63 O.S. 2021, Section 945, is
7 amended to read as follows:

8 Section 945. A. When properly authorized, an autopsy shall be
9 performed by the Chief Medical Examiner or such person as may be
10 designated by him or her for such purpose. The Chief Medical
11 Examiner or a person designated by him or her may authorize arterial
12 embalming of the body prior to the autopsy when such embalming would
13 in his or her opinion not interfere with the autopsy. The extent of
14 the autopsy shall be made as is deemed necessary by the person
15 performing the autopsy.

16 B. A full and complete report of the facts developed by the
17 autopsy together with the findings of the person making it shall be
18 prepared and filed in the Office of the Chief Medical Examiner
19 without unnecessary delay. Copies of such reports and findings
20 shall be furnished to district attorneys and law enforcement
21 officers making a criminal investigation in connection with the
22 death.

23 C. Upon receiving a written, signed and dated records request,
24 a copy of the full and complete report of the facts developed by the

1 autopsy, together with the findings of the person making the report,
2 shall be released by the Office of the Chief Medical Examiner to the
3 public in the most expedient manner available or as requested by the
4 records requester and, under the following conditions, shall be
5 furnished to:

6 1. District attorneys and any law enforcement agency with
7 authority to make a criminal investigation in connection with the
8 death; provided, such copies shall not be shared with any other
9 entity unless otherwise provided by law;

10 2. The spouse of the deceased or any person related within two
11 (2) degrees of consanguinity to the deceased, unless the district
12 attorney or law enforcement agency making a criminal investigation
13 objects to the release of documents to any family member. District
14 attorneys and law enforcement agencies shall be prohibited from
15 objecting to the release of the full and complete autopsy report to
16 the family if the decedent was in state custody, in custody of law
17 enforcement or is deceased due to lethal action of a law enforcement
18 officer; and

19 3. Any insurance company conducting an insurer's investigation
20 of any insurance claim arising from the death of the individual upon
21 whom the autopsy was performed.

22 D. The full and complete report of the facts developed by the
23 autopsy, together with the findings of the person making the report,
24 shall be withheld from public inspection and copying for ten (10)

1 business days following the date the report is generated by the
2 Office of the Chief Medical Examiner, except as provided for in
3 subsection C of this section.

4 E. The Office of the Chief Medical Examiner shall produce a
5 summary report of investigation by the medical examiner at the same
6 time the full and complete report of the facts developed by the
7 autopsy, together with the findings of the person making the report,
8 is released to the parties listed in subsection C of this section.
9 The summary report of investigation shall be made available for
10 public inspection and copying without delay. Any person may obtain
11 a copy of the summary report of investigation in the most expedient
12 manner available or as requested by the records requester.

13 F. The summary report of investigation shall include, but not
14 be limited to, the following information, if known:

15 1. Decedent name, age, birth date, race, sex, home address,
16 examiner notified by name and title and including date and time,
17 location where decedent was injured or became ill, including name of
18 facility, address, city, county, type of premises, date and time;
19 location of death including name of facility, city, county, type of
20 premises, date and time, and location body was viewed by medical
21 examiner including address, city, county, type of premises and date
22 and time;

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1 2. If the death was a motor vehicle accident, whether the
2 decedent was the driver, passenger or pedestrian, and the type of
3 vehicle involved in the accident;

4 3. A description of the body, including but not limited to the
5 external physical examination, rigor, livor, external observations
6 including hair, eye color, body length and weight, and other
7 external observations, as well as the presence and location of
8 blood; and

9 4. The probable cause of death, other significant conditions
10 contributing to the death but not resulting in the underlying cause
11 given, manner of death, case disposition, case number, and name and
12 contact information of the medical examiner performing the autopsy,
13 including a signature and certification statement that the facts
14 contained in the report are true and correct to the best of their
15 knowledge and the date the report was signed and generated.

16 G. At the conclusion of the ten (10) business-day-period, the
17 full and complete report shall be made available as a public record
18 except when a district attorney or law enforcement agency with
19 authority to make a criminal investigation in connection with the
20 death declares that the full and complete report contains
21 information that would materially compromise an ongoing criminal
22 investigation. Such declaration shall be in writing to the Office
23 of the Medical Examiner and be an open record available from the
24 Office of Medical Examiner.

1 1. Upon such declaration, the district attorney or law
2 enforcement agency shall request from the appropriate district court
3 a hearing for an extension of time during which the full and
4 complete autopsy report, not including information in the summary
5 report, may be withheld.

6 2. When a request for an extension of time has been filed with
7 the court, the full and complete autopsy report in question may be
8 withheld until the court has issued a ruling on the requested
9 extension of time to release the autopsy report. Such requests for
10 an extension of time during which the autopsy may be withheld shall
11 be made on the grounds that release of the full and complete autopsy
12 report will materially compromise an ongoing criminal investigation.

13 3. Courts considering such requests shall conduct a hearing and
14 consider whether the interests of the public outweigh the interests
15 asserted by the district attorney or law enforcement agency.

16 4. If an extension of time is granted by the court, the initial
17 extension shall be ordered by the court for a period of six (6)
18 months. Subsequent extensions shall only be ordered after a hearing
19 by the court for an additional one year and cumulative time
20 extensions shall not exceed more than four (4) years and six (6)
21 months; provided, under no circumstance shall an extension of time
22 be granted by the court if the deceased person was in state custody,
23 in custody of law enforcement or was deceased due to lethal action
24 of a law enforcement officer.

1 5. In the event that six (6) months have expired from the date
2 of the initial release of the autopsy report without any person
3 being criminally charged in the case in question and release of the
4 autopsy or portions of the autopsy have been denied on the grounds
5 of materially compromising a criminal investigation, an appeal of
6 such denial may be made to the appropriate district court. Courts
7 considering appeals for temporarily withholding an autopsy report
8 shall conduct a hearing and consider whether the interests of the
9 public outweigh the interests asserted by the district attorney or
10 law enforcement agency. In response to such appeals, the district
11 court shall order that the autopsy report be made available for
12 public inspection and copying with no redaction, or shall order an
13 extension of time during which the autopsy report may be withheld
14 under the provisions of this section.

15 6. Any court order obtained pursuant to this subsection shall
16 be served upon the Office of the Chief Medical Examiner by the party
17 requesting or granted the extension by the court.

18 H. An order granting an extension of time shall be applicable
19 to the autopsy report for the duration of the extension; provided,
20 each subsequent time extension shall only be ordered by the district
21 court for an additional twelve-month period of time or less and
22 cumulative time extensions shall not exceed four (4) years and six
23 (6) months; provided, charges being filed against a person in the
24 case in question or an autopsy report being entered into evidence as

1 part of a criminal prosecution nullifies any granted extension of
2 time.

3 I. The opportunities to withhold an autopsy report or portions
4 of an autopsy report provided in this section shall expire in
5 totality four (4) years and six (6) months after the date the
6 autopsy report was generated, at which time the autopsy report
7 previously withheld on the grounds provided for in this section
8 shall be made available for public inspection and copying.

9 J. Nothing in this section shall prohibit a district attorney
10 or law enforcement agency with authority to make a criminal
11 investigation in connection with the death from immediately
12 releasing portions of information contained in the full and complete
13 autopsy report for the purposes of assisting with the criminal
14 investigation or apprehension of any person involved in a criminal
15 act that resulted in the death of another person.

16 K. After ten (10) business days from the release of the full
17 and complete report, nothing in this section shall prohibit the
18 spouse of the deceased or any person related within two (2) degrees
19 of consanguinity to the deceased who has received a copy of the full
20 and complete autopsy report from the Office of the Chief Medical
21 Examiner from authorizing the Office of the Chief Medical Examiner's
22 office to release the full and complete autopsy report to any other
23 person subject to approval by the court.

1 L. When an autopsy of the body is conducted of a deceased human
2 who has epilepsy or a history of seizures, the report shall include
3 an investigation and determination as to whether the deceased
4 suffered a sudden unexpected death in epilepsy (SUDEP). In the
5 event the deceased did suffer a sudden unexpected death in epilepsy,
6 such information shall be noted on the death certificate and be
7 reported to the North American SUDEP Registry (NASR).

8 SECTION 8. This act shall become effective November 1, 2025.

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10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
11 02/26/2025 - DO PASS, As Amended and Coauthored.
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