

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2053

By: **Sims**

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to public health and safety; amending
10 63 O.S. 2011, Section 1-323, as last amended by
11 Section 1, Chapter 352, O.S.L. 2016 (63 O.S. Supp.
12 2018, Section 1-323), which relates to
13 confidentiality of vital records; modifying
14 exceptions; and providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-323, as
17 last amended by Section 1, Chapter 352, O.S.L. 2016 (63 O.S. Supp.
18 2018, Section 1-323), is amended to read as follows:

19 Section 1-323. A. To protect the integrity of vital statistics
20 records, to ensure their proper use, and to ensure the efficient and
21 proper administration of the vital statistics system, it shall be
22 unlawful for any person to permit inspection of, or to disclose
23 information contained in, vital statistics records, or to copy or
24 issue a copy of all or part of any such record except to:

1 1. The person who is the subject of the record;

2 2. A parent named on the record or a person acting with the
3 parent's permission unless that parent is currently incarcerated;

4 3. Someone acting with permission of the person who is the
5 subject of the record;

6 4. Someone acting as a legal representative of the estate of
7 the person who is the subject of the record;

8 5. Someone acting as a legal representative of a person
9 involved in a probate of the estate of the person who is the subject
10 of the record, as demonstrated by affidavit;

11 6. An attorney licensed to practice in the United States who
12 demonstrates by affidavit that the record is necessary in order to
13 administer a client's estate;

14 7. Someone in receipt of a court order from a court of
15 competent jurisdiction ordering access to the record;

16 8. The Attorney General or to any district attorney upon
17 request in the course of a criminal investigation;

18 9. Only in the case of a death certificate, ~~a~~ the funeral
19 ~~director~~ home of record for no more than three (3) years past the
20 date of death;

21 10. A representative of the Department of Corrections, when the
22 subject of the record is under supervision of the Department of
23 Corrections; or

1 11. Any other person working in the best interest of the
2 subject of the record, as determined by regulations of the State
3 Board of Health.

4 Provided, that death certificates shall be considered publicly
5 available records fifty (50) years after the death and birth
6 certificates shall be considered publicly available records one
7 hundred twenty-five (125) years after the birth.

8 B. The State Department of Health shall, by July 1, 2017, make
9 available an online public index that includes, as is applicable,
10 the name, gender, date of birth, date of death, county of birth, and
11 county of death of all persons in its records. Birth data shall not
12 be added to the index until twenty (20) years after the birth.
13 Death data shall not be added to the index until five (5) years
14 after the death. The index shall be made available online at no
15 cost to users.

16 Private entities may request assistance from the Department in
17 receiving digital files including all or part of the index described
18 in this subsection. Such private entities may be assessed a fee
19 that shall not exceed the cost of creating and transmitting the
20 digital file. The Board may promulgate rules regarding access to
21 such digital files and applicable fees.

22 C. The Department may grant applications for electronic
23 verification of the existence of birth and death certificates for
24

1 legal and administrative purposes at any time following the birth or
2 death when such applications are made by:

3 1. A government agency in conduct of its official business;

4 2. A benefit-paying party, including but not limited to an
5 annuity company, pension plan or life insurance company in order to
6 determine benefit status;

7 3. A physician licensed to practice in the United States to
8 determine if a patient has been lost to care; or

9 4. Other entities for fraud protection, subject to verification
10 of the entity's purpose by the Department.

11 The recipient of a record verification as provided for in this
12 subsection may not disclose to a party not involved in the issue for
13 which the verification was sought.

14 The Department of Health may charge up to Four Dollars (\$4.00)
15 for each electronic birth or death verification, although such fee
16 may be waived when such request is received by an Oklahoma state or
17 local government agency. The recipient of a record verification as
18 provided for in this subsection may also be subject to fees levied
19 by a contractor retained by the Board to provide such service.

20 The Board may promulgate rules necessary to implement the
21 provisions of this subsection.

22 D. The State Commissioner of Health may authorize the
23 disclosure of data contained in vital statistics records for public
24 health surveillance or research purposes.

1 E. The State Department of Health shall transmit to the
2 Department of Public Safety:

3 1. At the end of each quarter year, a list of all registered
4 deaths which have occurred during such period of time. Upon receipt
5 of such list the Department of Public Safety shall use such list
6 solely to update Department of Public Safety records and to cancel
7 the driver license for those deceased individuals with a valid
8 Oklahoma driver license at the time of death;

9 2. At the end of each month, a report of all registered deaths
10 that resulted from a motor vehicle collision which have occurred
11 during such period of time. The report shall be used by the
12 Department solely for the purpose of statistical analysis and
13 reporting; and

14 3. Upon written request from the Department, a death
15 certificate. The certificate shall be used solely by the Fatality
16 Analysis Reporting System (FARS) Analyst of the Oklahoma Highway
17 Safety Office to populate the federal FARS database.

18 F. Each month, the Commissioner shall authorize the
19 transmission to the Oklahoma Health Care Authority of a certified
20 list of all registered deaths of residents of this state that have
21 occurred within the state for the immediately preceding month. The
22 Oklahoma Health Care Authority shall use the transmitted list to
23 ascertain the names of those individuals participating in the state
24

1 Medicaid program who are deceased, and shall thereafter terminate
2 such deceased person's enrollment in the state Medicaid program.

3 G. For the purpose of assisting in the location and recovery of
4 missing children, information pertaining to birth certificates and
5 requests for copies of birth certificates shall be provided to the
6 Oklahoma State Bureau of Investigation pursuant to the provisions of
7 Section 1-323.1 of this title and Section 150.12A of Title 74 of the
8 Oklahoma Statutes.

9 H. The Commissioner shall authorize the transmission of death
10 certificates to the Department of Labor for the purpose of the
11 Department of Labor conducting a census of total occupational
12 injuries and illnesses. The Department shall transmit to the
13 Department of Labor statistics of fatal occupational injuries that
14 shall include the following:

- 15 1. Name of the deceased;
- 16 2. Date of death;
- 17 3. Sex;
- 18 4. Race;
- 19 5. Age;
- 20 6. Birth date;
- 21 7. Social Security number;
- 22 8. Whether an autopsy was conducted;
- 23 9. Month of the accident; and
- 24 10. Whether decedent was of Hispanic origin.

1 I. The Department of Labor shall be required to protect the
2 integrity of the vital statistics records to the same extent
3 required of the Department pursuant to this section.

4 SECTION 2. This act shall become effective November 1, 2019.
5

6 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2019 - DO PASS,
7 As Amended and Coauthored.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24