

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1175

By: Perryman

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2011, Section 1-321, which relates to the amendment of certificate or record; providing for amendment of death certificate; amending 63 O.S. 2011, Section 1-323, as last amended by Section 1, Chapter 352, O.S.L. 2016 (63 O.S. Supp. 2018, Section 1-323), which relates to vital statistics records; expanding list of individuals who may inspect certain records; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-321, is amended to read as follows:

Section 1-321. (a) A certificate or record registered under this article may be amended only in accordance with this article and regulations thereunder adopted by the State Board of Health to protect the integrity and accuracy of vital statistics records.

(b) A certificate that is amended under this section shall be marked "amended", except as provided in subsection (d) of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on

1 or made a part of the record. The Board shall prescribe by  
2 regulation the conditions under which additions or minor corrections  
3 shall be made to birth certificates within one (1) year after the  
4 date of birth without the certificate being considered as amended.

5 (c) Upon receipt of a certified copy of a court order, from a  
6 court of competent jurisdiction, changing the name of a person born  
7 in this state and upon request of such person or his parent,  
8 guardian, or legal representative, the State Commissioner of Health  
9 shall amend the certificate of birth to reflect the new name.

10 (d) When a child is born out of wedlock, the Commissioner shall  
11 amend a certificate of birth to show paternity, if paternity is not  
12 currently shown on the birth certificate, in the following  
13 situations:

14 (1) Upon request and receipt of a sworn acknowledgment of  
15 paternity of a child born out of wedlock signed by both parents; or

16 (2) Upon receipt of a certified copy of a court order  
17 establishing paternity.

18 (e) For a child born out of wedlock, the Commissioner shall also  
19 change the surname of the child on the certificate:

20 (1) To the specified surname upon receipt of acknowledgment of  
21 paternity signed by both parents or upon receipt of a certified copy  
22 of a court order directing such name be changed. Such certificate  
23 amended pursuant to this subsection shall not be marked "amended";  
24 or

1 (2) To the surname of the mother on the birth certificate in the  
2 event the acknowledgment of paternity is rescinded.

3 (f) The State Board of Health shall have the power and duty to  
4 promulgate rules for situations in which the State Registrar of  
5 Vital Statistics receives false information regarding the identity  
6 of a parent.

7 (g) If within ninety (90) days of the certification of the cause  
8 of death, a funeral director, or a person acting as such, requests a  
9 correction to the certification of the cause of death due to a  
10 scrivener's error, misspelling or other correction of information,  
11 the State Board of Health, through the State Registrar of Vital  
12 Statistics, shall amend the record without additional documentation  
13 requirements. The request for a correction shall be in writing or  
14 through an electronic system. The funeral director, or person  
15 acting as such, shall be responsible for any and all amendment fees  
16 that may be imposed by the State Board of Health for said  
17 correction.

18 (1) Any certified copies provided with the original information  
19 in error may be exchanged for the corrected certification of the  
20 cause of death at no additional cost.

21 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-323, as  
22 last amended by Section 1, Chapter 352, O.S.L. 2016 (63 O.S. Supp.  
23 2018, Section 1-323), is amended to read as follows:  
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1       Section 1-323. A. To protect the integrity of vital statistics  
2 records, to ensure their proper use, and to ensure the efficient and  
3 proper administration of the vital statistics system, it shall be  
4 unlawful for any person to permit inspection of, or to disclose  
5 information contained in, vital statistics records, or to copy or  
6 issue a copy of all or part of any such record except to:

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

8       2. A ~~parent named on the record~~ lineal ancestor or descendant  
9 of the person named on the record, the identity of which may be  
10 proven by affidavit or otherwise, or a person acting with the  
11 ~~parent's~~ permission of such lineal ancestor or descendant;

12       3. ~~Someone~~ A person acting with permission of the person who is  
13 the subject of the record;

14       4. ~~Someone acting as a~~ The spouse of the person who is the  
15 subject of the record, the identity of which may be proven by  
16 affidavit or otherwise, or a person acting with permission of the  
17 spouse of the person who is the subject of the record;

18       5. A person who demonstrates by affidavit or otherwise that he  
19 or she is the legal representative of the estate of the person who  
20 is the subject of the record or that the record is necessary for the  
21 person to be appointed as legal representative of the estate;

22       ~~5. Someone acting as a~~ 6. A person who demonstrates by  
23 affidavit or otherwise that he or she is the legal representative of  
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1 a person involved in a probate of the estate of the person who is  
2 the subject of the record, ~~as demonstrated by affidavit;~~

3 ~~6.~~ 7. An attorney licensed to practice in the United States who  
4 demonstrates by affidavit that the record is necessary in order to  
5 administer a client's estate;

6 ~~7. Someone~~ 8. A person in receipt of a court order from a  
7 court of competent jurisdiction ordering access to the record;

8 ~~8.~~ 9. The Attorney General or to any district attorney upon  
9 request in the course of a criminal investigation;

10 ~~9.~~ 10. Only in the case of a death certificate, a funeral  
11 director;

12 ~~10.~~ 11. A representative of the Department of Corrections, when  
13 the subject of the record is under supervision of the Department of  
14 Corrections; or

15 ~~11.~~ 12. Any other person working in the best interest of the  
16 subject of the record, as determined by regulations of the State  
17 Board of Health.

18 Provided, that death certificates shall be considered publicly  
19 available records fifty (50) years after the death and birth  
20 certificates shall be considered publicly available records one  
21 hundred twenty-five (125) years after the birth.

22 B. The State Department of Health shall, by July 1, 2017, make  
23 available an online public index that includes, as is applicable,  
24 the name, gender, date of birth, date of death, county of birth, and

1 county of death of all persons in its records. Birth data shall not  
2 be added to the index until twenty (20) years after the birth.  
3 Death data shall not be added to the index until five (5) years  
4 after the death. The index shall be made available online at no  
5 cost to users.

6 Private entities may request assistance from the Department in  
7 receiving digital files including all or part of the index described  
8 in this subsection. Such private entities may be assessed a fee  
9 that shall not exceed the cost of creating and transmitting the  
10 digital file. The Board may promulgate rules regarding access to  
11 such digital files and applicable fees.

12 C. The Department may grant applications for electronic  
13 verification of the existence of birth and death certificates for  
14 legal and administrative purposes at any time following the birth or  
15 death when such applications are made by:

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

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

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

22 4. Other entities for fraud protection, subject to verification  
23 of the entity's purpose by the Department.  
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1 The recipient of a record verification as provided for in this  
2 subsection may not disclose to a party not involved in the issue for  
3 which the verification was sought.

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

10 The Board may promulgate rules necessary to implement the  
11 provisions of this subsection.

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

15 E. The State Department of Health shall transmit to the  
16 Department of Public Safety:

17 1. At the end of each quarter year, a list of all registered  
18 deaths which have occurred during such period of time. Upon receipt  
19 of such list the Department of Public Safety shall use such list  
20 solely to update Department of Public Safety records and to cancel  
21 the driver license for those deceased individuals with a valid  
22 Oklahoma driver license at the time of death;

23 2. At the end of each month, a report of all registered deaths  
24 that resulted from a motor vehicle collision which have occurred

1 during such period of time. The report shall be used by the  
2 Department solely for the purpose of statistical analysis and  
3 reporting; and

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

8 F. Each month, the Commissioner shall authorize the  
9 transmission to the Oklahoma Health Care Authority of a certified  
10 list of all registered deaths of residents of this state that have  
11 occurred within the state for the immediately preceding month. The  
12 Oklahoma Health Care Authority shall use the transmitted list to  
13 ascertain the names of those individuals participating in the state  
14 Medicaid program who are deceased, and shall thereafter terminate  
15 such deceased person's enrollment in the state Medicaid program.

16 G. For the purpose of assisting in the location and recovery of  
17 missing children, information pertaining to birth certificates and  
18 requests for copies of birth certificates shall be provided to the  
19 Oklahoma State Bureau of Investigation pursuant to the provisions of  
20 Section 1-323.1 of this title and Section 150.12A of Title 74 of the  
21 Oklahoma Statutes.

22 H. The Commissioner shall authorize the transmission of death  
23 certificates to the Department of Labor for the purpose of the  
24 Department of Labor conducting a census of total occupational



1 injuries and illnesses. The Department shall transmit to the  
2 Department of Labor statistics of fatal occupational injuries that  
3 shall include the following:

- 4 1. Name of the deceased;
- 5 2. Date of death;
- 6 3. Sex;
- 7 4. Race;
- 8 5. Age;
- 9 6. Birth date;
- 10 7. Social Security number;
- 11 8. Whether an autopsy was conducted;
- 12 9. Month of the accident; and
- 13 10. Whether decedent was of Hispanic origin.

14 I. The Department of Labor shall be required to protect the  
15 integrity of the vital statistics records to the same extent  
16 required of the Department pursuant to this section.

17 SECTION 3. This act shall become effective November 1, 2019.

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