

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1688 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Cynthia Roe _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1688

By: Roe

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to vital records; amending 63 O.S. 2021, Sections 1-301, 1-311, as last amended by Section 131, Chapter 452, O.S.L. 2024, 1-312, 1-315.1, 1-317, as last amended by Section 133, Chapter 452, O.S.L. 2024, 1-317a, 1-318, 1-318.2, 1-319, 1-321, as amended by Section 4, Chapter 87, O.S.L. 2022, 1-323, 1-329.1, (63 O.S. Supp. 2024, Sections 1-311, 1-317, and 1-321), which relate to vital statistics; adding a definition; updating statutory references; clarifying corrections to birth certificates, death certificates, and fetal death certificates; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-301, is amended to read as follows:

Section 1-301. As used in this article:

1. "Vital statistics" means records of birth, death, fetal death and data related thereto;

1 2. "System of vital statistics" means the registration,
2 collection, preservation, amendment and certification of vital
3 statistics records, and activities related thereto, including the
4 tabulation, analysis and publication of statistical data derived
5 from such records;

6 3. "Filing" means the presentation of a certificate, report or
7 other record provided for in this article, of a birth, death, fetal
8 death or adoption, for registration by the ~~State~~ Commissioner of
9 Health;

10 4. "Registration" means the acceptance by the ~~State~~
11 Commissioner of Health and the incorporation in his or her official
12 records of certificates, reports or other records provided for in
13 this article, of births, deaths, fetal deaths or adoptions;

14 5. "Live birth" means the complete expulsion or extraction from
15 the mother of a product of human conception, irrespective of the
16 duration of pregnancy, which, after such expulsion or extraction,
17 breathes or shows any other evidence of life such as beating of the
18 heart, pulsation of the umbilical cord or definite movement of
19 voluntary muscles, whether or not the umbilical cord has been cut or
20 the placenta is attached;

21 6. "Stillbirth" or "stillborn child" means a fetal death;

22 7. "Certificate of birth resulting in stillbirth" means a
23 certificate issued to memorialize a stillborn child;

24

1 8. "Fetal death" means death prior to the complete expulsion or
2 extraction from its mother of a product of human conception after
3 the fetus has advanced to or beyond the twelfth week of
4 uterogestation. The death is indicated by the fact that, after such
5 expulsion or extraction, the fetus does not breathe or show any
6 other evidence of life such as beating of the heart, pulsation of
7 the umbilical cord or definite movement of voluntary muscles;

8 9. "Dead body" means an individual who is determined to be dead
9 pursuant to the provisions of the Uniform Determination of Death
10 Act;

11 10. "Final disposition" means the burial, interment, cremation,
12 or other disposition of a dead body or fetus;

13 11. "Physician" means a person who is a member of the class of
14 persons authorized to use the term "physician" pursuant to Section
15 725.2 of Title 59 of the Oklahoma Statutes;

16 12. "Institution" means any establishment, public or private,
17 which provides inpatient medical, surgical or diagnostic care or
18 treatment, or nursing, custodial or domiciliary care, to two or more
19 unrelated individuals, or to which persons are committed by law; ~~and~~

20 13. "Disinterment" means the recovery of human remains by
21 exhumation or disentombment. "Disinterment" does not include the
22 raising and lowering of remains to accommodate two interments within
23 a single grave and does not include the repositioning of an outside
24 burial container that encroaches on adjoining burial space; and

1 14. "Minor correction" means fixing a scrivener's error,
2 correcting an error in the spelling of a name or word of common
3 knowledge, filling in an erroneous omission, deleting an erroneous
4 addition, or something similar. To obtain a minor correction, an
5 applicant shall provide clear and convincing evidence of an
6 objective error that was knowable at or near the time the
7 certificate was made.

8 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-311, as
9 last amended by Section 131, Chapter 452, O.S.L. 2024 (63 O.S. Supp.
10 2024, Section 1-311), is amended to read as follows:

11 Section 1-311. A. A certificate of birth for each live birth
12 which occurs in this state shall be filed with the ~~State Registrar~~
13 ~~of Vital Statistics,~~ Commissioner of Health within seven (7) days
14 after the birth.

15 B. When a birth occurs in an institution, the person in charge
16 of the institution or a designated representative shall obtain the
17 personal data, prepare the certificate and secure the signatures
18 required by the certificate. The physician in attendance shall
19 certify to the facts of birth and provide the medical information
20 required by the certificate within five (5) days after the birth.

21 C. When a birth occurs outside an institution, the certificate
22 shall be prepared and filed by one of the following in the indicated
23 order of priority:
24

1 1. The physician in attendance at or immediately after the
2 birth;

3 2. Any other person in attendance at or immediately after the
4 birth; or

5 3. The father, the mother or, in the absence or inability of
6 the father or mother, the person in charge of the premises where the
7 birth occurred and present at the birth.

8 D. 1. If the mother was married at the time of birth, or
9 married at any time during the three hundred (300) calendar days
10 before the birth, the name of the husband shall be entered on the
11 certificate as the father of the child unless paternity has been
12 determined otherwise by a court of competent jurisdiction or a
13 husband's denial of paternity form has been filed along with an
14 affidavit acknowledging paternity, in which case the name of the
15 father as determined by the court or affidavit acknowledging
16 paternity shall be entered. If there is a refusal to identify
17 paternity on the birth certificate, the State Department of Health
18 is authorized to register a birth certificate as such.

19 2. If the mother was not married at the time of birth, nor
20 married at any time during the three hundred (300) calendar days
21 before the birth, the name of the father shall be entered on the
22 certificate of birth only if:

23 a. a determination of paternity has been made by an
24 administrative action through the Department of Human

1 Services or a court of competent jurisdiction, in
2 which case the name of the father shall be entered, or
3 b. the mother and father have agreed as to the biological
4 paternity of the child and signed an ~~acknowledgement~~
5 acknowledgment of paternity pursuant to Section 1-
6 311.3 of this title, or substantially similar
7 affidavit from another state and filed it with the
8 ~~State Registrar of Vital Statistics~~ Commissioner of
9 Health.

10 This shall give the unmarried mother and biological father equal
11 rights and obligations to the child. A child whose parentage has
12 been determined as set forth shall be treated as a child of parents
13 who were married at the time of the birth.

14 E. Either of the parents of the child shall sign the
15 certificate of live birth worksheet to attest to the accuracy of the
16 personal data entered thereon, in time to permit its filing within
17 the seven (7) days prescribed in this section.

18 F. If the live birth results from a process in which the
19 delivering mother was carrying the child of another woman by way of
20 a prearranged legal contract, the original birth certificate shall
21 be filed with the personal information of the woman who delivered
22 the child. A new birth certificate will be placed on file once the
23 ~~State Registrar~~ Department receives both a court order and a
24 completed form prescribed by the ~~State Registrar~~ Department which

1 identifies the various parties and documents the personal
2 information of the intended parents necessary to complete the new
3 birth certificate.

4 G. Beginning on ~~the effective date of this act~~ April 25, 2022,
5 the biological sex designation on a certificate of birth issued
6 under this section shall be either male or female and shall not be
7 nonbinary or any symbol representing a nonbinary designation
8 including but not limited to the letter "X".

9 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-312, is
10 amended to read as follows:

11 Section 1-312. ~~(a)~~ A. Whoever assumes the custody of a living
12 infant of unknown parentage shall report, on a form and in the
13 manner prescribed by the ~~State~~ Commissioner of Health within seven
14 (7) days to the ~~State Registrar~~ Commissioner of Health, the
15 following information:

16 ~~(1)~~ 1. ~~the~~ The date and place of finding-;
17 ~~(2)~~ 2. ~~sex~~ Sex, color or race, and approximate age of child-;
18 ~~(3)~~ 3. ~~name~~ Name and address of the persons or institution with
19 whom the child has been placed for care-; and

20 ~~(4)~~ 4. ~~and other~~ Other data required by the Commissioner.

21 ~~(b)~~ B. The place where the child was found shall be entered as
22 the place of birth and the date of birth shall be determined by
23 approximation.

24

1 ~~(e)~~ C. A report registered under this section shall constitute
2 the certificate of birth for the infant.

3 ~~(d)~~ D. If the child is identified and a certificate of birth is
4 found or obtained, any report registered under this section shall be
5 sealed and filed and may be opened only by order of a court of
6 competent jurisdiction.

7 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-315.1, is
8 amended to read as follows:

9 Section 1-315.1. A. If a death certificate is required to
10 settle a property or financial interest for a person who has
11 allegedly died in this state twenty-five (25) years ago or longer,
12 and the following determinations have been made:

13 1. The State ~~Registrar of Vital Statistics for this state~~
14 Department of Health has confirmed that a death certificate is not
15 on file with the ~~State Department of Health;~~

16 2. The ~~State Registrar of Vital Statistics Department~~ has
17 determined ~~that all due diligence has been performed and the~~
18 requirements of Section 1-317 of ~~Title 63 of the Oklahoma Statutes~~
19 this title requiring a death certificate to be filed cannot be met;
20 and

21 3. The ~~State Registrar of Vital Statistics Department~~ has
22 determined ~~that all due diligence has been performed and the~~
23 requirements of Section 1-314 of ~~Title 63 of the Oklahoma Statutes~~
24 this title for the filing of a delayed death certificate cannot be

1 met; then a verified petition may be filed with the district court
2 of the county where the death allegedly occurred for an order
3 establishing a judicial record of death.

4 B. The verified petition shall contain the following:

5 1. The full legal name of the person who is allegedly deceased;

6 2. The date and place of birth of the decedent;

7 3. The age of the decedent;

8 4. The date and place of the death of the decedent;

9 5. The property or financial interest to be resolved;

10 6. The determinations of the ~~State Registrar of Vital~~
11 ~~Statistics~~ Department as required in paragraphs 2 and 3 of
12 subsection A of this section; and

13 7. Other facts deemed pertinent, which include, but are not
14 limited to, the parents or spouse of the decedent.

15 C. Upon the filing of the verified petition, the office of the
16 court clerk for the county where the petition is filed shall give
17 the petition a number in the probate files of the county. Notice of
18 the verified petition shall be made upon the State Department of
19 Health and published once in a newspaper of general circulation in
20 the county where the petition is filed.

21 D. Based on the verified petition, all the evidence the
22 applicant has in his or her possession such as personal testimony,
23 affidavits or records and determinations of the ~~State Registrar of~~

24

1 ~~Vital Statistics~~ Department as required in paragraphs 2 and 3 of
2 subsection A of this section, the court may enter an order:

- 3 1. Establishing the full legal name of the individual who is
4 deceased;
- 5 2. The date and place of the birth of the decedent;
- 6 3. The age of the decedent;
- 7 4. The date and place where the death occurred;
- 8 5. The property or financial interest that is resolved; and
- 9 6. Other facts deemed pertinent by the court and as set forth
10 in the verified petition.

11 Said order shall be final and conclusive of all the facts
12 therein adjudged.

13 E. A certified copy of the order shall be filed with the State
14 Department of Health, and a certified copy thereof shall be issued
15 by the State Department of Health in the same manner as certificates
16 of death.

17 F. Issuance of a certified copy of the order filed with the
18 State Department of Health pursuant to this section shall satisfy
19 any and all requirements set forth in any statute requiring a death
20 certificate or order of any court requiring the issuance of a death
21 certificate.

22 SECTION 5. AMENDATORY 63 O.S. 2021, Section 1-317, as
23 last amended by Section 133, Chapter 452, O.S.L. 2024 (63 O.S. Supp.
24 2024, Section 1-317), is amended to read as follows:

1 Section 1-317. A. A death certificate for each death which
2 occurs in this state shall be filed with the State Department of
3 Health, within three (3) days after such death.

4 B. The funeral director shall personally sign the death
5 certificate and shall be responsible for filing the death
6 certificate. If the funeral director is not available, the person
7 acting as such who first assumes custody of a dead body in
8 accordance with Section 1158 of Title 21 of the Oklahoma Statutes
9 shall personally sign and file the death certificate. The personal
10 data shall be obtained from the next of kin or the best qualified
11 person or source available. The funeral director or person acting
12 as such shall notify the person providing the personal data that it
13 is a felony to knowingly provide false data or misrepresent any
14 person's relationship to the decedent. The certificate shall be
15 completed as to personal data and delivered to the attending
16 physician or the medical examiner responsible for completing the
17 medical certification portion of the certificate of death within
18 twenty-four (24) hours after the death. No later than July 1, 2012,
19 the personal data, and no later than July 1, 2017, the medical
20 certificate portion, shall be entered into the prescribed electronic
21 system provided by the ~~State Registrar of Vital Statistics~~
22 Department and the information submitted to the ~~State Registrar of~~
23 ~~Vital Statistics~~ Department. The resultant certificate produced by
24 the electronic system shall be provided to the physician or medical

1 examiner for medical certification within twenty-four (24) hours
2 after the death.

3 C. The medical certification shall be completed and signed
4 within forty-eight (48) hours after death by the physician,
5 physician assistant, or advanced practice registered nurse in charge
6 of the patient's care for the illness or condition which resulted in
7 death, except when inquiry as to the cause of death is required by
8 Section 938 of this title. No later than July 1, 2017, the medical
9 certification portion of certificate data shall be entered into the
10 prescribed electronic system provided by the ~~State Registrar of~~
11 ~~Vital Statistics~~ Department and the information submitted to the
12 ~~State Registrar of Vital Statistics~~ Department.

13 D. In the event that the physician, physician assistant, or
14 advanced practice registered nurse in charge of the patient's care
15 for the illness or condition which resulted in death is not in
16 attendance at the time of death, the medical certification shall be
17 completed and signed within forty-eight (48) hours after death by
18 the physician, physician assistant, or advanced practice registered
19 nurse in attendance at the time of death, except:

20 1. When the patient is under hospice care at the time of death,
21 the medical certification may be signed by the hospice's medical
22 director; and

23 2. When inquiry as to the cause of death is required by Section
24 938 of this title.

1 Provided, that such certification, if signed by other than the
2 attending physician, physician assistant, or advanced practice
3 registered nurse, shall note on the face the name of the attending
4 physician, physician assistant, or advanced practice registered
5 nurse and that the information shown is only as reported.

6 E. A certifier completing cause of death on a certificate of
7 death who knows that a lethal drug, overdose or other means of
8 assisting suicide within the meaning of Sections 3141.2 through
9 3141.4 of this title caused or contributed to the death shall list
10 that means among the chain of events under cause of death or list it
11 in the box that describes how the injury occurred. If such means is
12 in the chain of events under cause of death or in the box that
13 describes how the injury occurred, the certifier shall indicate
14 "suicide" as the manner of death.

15 F. The authority of a physician assistant to carry out the
16 functions described in this section shall be governed by the
17 practice agreement as provided by Section 519.6 of Title 59 of the
18 Oklahoma Statutes.

19 SECTION 6. AMENDATORY 63 O.S. 2021, Section 1-317a, is
20 amended to read as follows:

21 Section 1-317a. A. The State ~~Registrar of Vital Statistics~~
22 Department of Health shall make available to all funeral directors
23 and physicians licensed in this state a system to electronically
24 capture the required information and file the prescribed death

1 certificate with the State Department of Health. Access to the
2 prescribed electronic system shall be provided to registered users
3 at no cost.

4 B. Funeral directors and physicians shall be registered with
5 the ~~State Registrar of Vital Statistics~~ Department prior to using
6 the prescribed electronic system. The ~~State Registrar of Vital~~
7 ~~Statistics~~ Department shall provide such registration at no cost.

8 C. Registration shall be updated at least annually to maintain
9 access to the prescribed system and shall include training on any
10 changes or updates to the prescribed system or associated forms.
11 Funeral directors licensed in this state shall be trained on the use
12 of the prescribed electronic system to file personal data on the
13 prescribed death certificate. Physicians licensed in this state
14 shall be trained on the use of the prescribed electronic system to
15 complete, sign, and file the medical certification on the prescribed
16 death certificate. The ~~State Registrar of Vital Statistics~~
17 Department shall provide the required training at no cost.

18 D. No later than July 1, 2012, funeral directors licensed in
19 this state shall be required to sign and file death certificates
20 using the prescribed electronic system.

21 E. No later than July 1, 2017, physicians licensed in this
22 state shall be required to sign and file death certificates using
23 the prescribed electronic system.

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1 SECTION 7. AMENDATORY 63 O.S. 2021, Section 1-318, is
2 amended to read as follows:

3 Section 1-318. ~~(a)~~ A. A fetal death certificate for each fetal
4 death which occurs in this state shall be filed with the State
5 ~~Registrar~~ Department of Health, within three (3) days after such
6 delivery.

7 ~~(b)~~ B. The funeral director or person acting as such who first
8 assumes custody of a fetus shall file the fetal death certificate.
9 In the absence of such a person, the physician or other person in
10 attendance at or after the delivery shall file the certificate of
11 fetal death. He or she shall obtain the personal data from the next
12 of kin or the best qualified person or source available. He or she
13 shall complete the certificate as to personal data and deliver the
14 certificate to that person responsible for completing the medical
15 certification of cause of death within twenty-four (24) hours after
16 delivery.

17 ~~(c)~~ C. The medical certification shall be completed and signed
18 within forty-eight (48) hours after delivery by the physician in
19 attendance at or after delivery, except when inquiry into the cause
20 of death is required by Section 938 of this title.

21 SECTION 8. AMENDATORY 63 O.S. 2021, Section 1-318.2, is
22 amended to read as follows:

23 Section 1-318.2. The ~~State Registrar of Vital Statistics~~
24 Commissioner of Health shall establish a certificate of birth

1 resulting in stillbirth to be offered to the parent or parents of a
2 stillborn child. The medical staff treating the stillbirth shall
3 notify the parent of the ability to request the certificate. The
4 certificate shall be available to any parent of a stillborn child
5 upon proper application. This certificate shall not be used as
6 evidence of live birth or for identification purposes.

7 SECTION 9. AMENDATORY 63 O.S. 2021, Section 1-319, is
8 amended to read as follows:

9 Section 1-319. A. A burial transit permit issued under the
10 laws of another state which accompanies a dead body or fetus brought
11 into this state shall be authority for final disposition of the body
12 or fetus in this state.

13 B. A disinterment permit shall be required prior to
14 disinterment of a dead body or fetus except as authorized by
15 regulation or otherwise provided by law. Such permit shall be
16 issued by the ~~State Registrar of Vital Records~~ Commissioner of
17 Health to a licensed funeral director, embalmer, or other person
18 acting as such, upon proper application.

19 C. Application for a disinterment shall include the consent of
20 the next of kin. The consent of the next of kin shall be completed
21 by the next of kin in order of priority as established in Section
22 1158 of Title 21 of the Oklahoma Statutes.

23
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1 D. If the dead body or fetus is to be disinterred and
2 reinterred in the same cemetery, a disinterment permit is not
3 required.

4 E. If the dead body or fetus is to be disinterred and
5 reinterred in the same cemetery, a notice of disinterment and
6 reinterment shall be completed, signed by the funeral director and
7 the next of kin, and then submitted to the ~~State Registrar of Vital~~
8 ~~Records at the~~ State Department of Health within five (5) days of
9 such action.

10 F. The forms for the Disinterment Permit and Notice of
11 Disinterment and Reinterment shall be obtained from the ~~State~~
12 ~~Registrar of Vital Records~~ Department.

13 SECTION 10. AMENDATORY 63 O.S. 2021, Section 1-321, as
14 amended by Section 4, Chapter 87, O.S.L. 2022 (63 O.S. Supp. 2024,
15 Section 1-321), is amended to read as follows:

16 Section 1-321. A. A certificate or record registered under
17 this article may be amended only in accordance with this article and
18 regulations thereunder adopted by the ~~State~~ Commissioner of Health
19 to protect the integrity and accuracy of vital statistics records.

20 B. A certificate that is amended under this section shall be
21 marked "amended", except as provided in subsection D of this
22 section. The date of amendment and a summary description of the
23 evidence submitted in support of the amendment shall be endorsed on
24 or made a part of the record.

1 The Commissioner shall prescribe by regulation the conditions under
2 which additions or minor corrections shall be made to birth
3 certificates within one (1) year after the date of birth without the
4 certificate being considered as amended. Certificates shall be
5 marked as "amended" for minor corrections made one (1) year after
6 the date of birth.

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

12 D. When a child is born out of wedlock, the Commissioner shall
13 amend a certificate of birth to show paternity, if paternity is not
14 currently shown on the birth certificate, in the following
15 situations:

16 1. Upon request and receipt of a sworn acknowledgment of
17 paternity of a child born out of wedlock signed by both parents;

18 2. Upon receipt of a certified copy of a court order
19 adjudicating paternity; or

20 3. Upon receipt of an electronic record from the Department of
21 Human Services indicating that an ~~acknowledgement~~ acknowledgment of
22 paternity has been signed by both parents or a court order
23 adjudicating paternity.

24

1 E. For a child born out of wedlock, the Commissioner shall also
2 change the surname of the child on the certificate:

3 1. To the specified surname upon receipt of acknowledgment of
4 paternity signed by both parents, upon receipt of a certified copy
5 of a court order directing such name be changed or upon receipt of
6 an electronic record from the Department of Human Services
7 indicating that an ~~acknowledgement~~ acknowledgment of paternity has
8 been signed by both parents or a court order directs such name
9 change. Such certificate amended pursuant to this subsection shall
10 not be marked "amended"; or

11 2. To the surname of the mother on the birth certificate in the
12 event the acknowledgment of paternity is rescinded.

13 F. The Commissioner shall have the power and duty to promulgate
14 rules for situations in which the ~~State Registrar of Vital~~
15 ~~Statistics~~ Department receives false information regarding the
16 identity of a parent.

17 G. If within ~~sixty (60) days~~ one (1) year of the initial
18 issuance of a certificate of death, a funeral director, or a person
19 acting as such, requests a correction to any portion of the death
20 record except the information relating to the medical certification
21 portion, due to a scrivener's error, misspelling or other correction
22 of information, the Commissioner of Health, through the State
23 Registrar of Vital Statistics, shall amend the record, provided the
24 request is made in writing or through an electronic system and is

1 accompanied by documentation disclosing the correct information or
2 by a sworn statement of the funeral director. The funeral director,
3 or person acting as such, shall be responsible for any and all
4 amendment fees that may be imposed by the Commissioner of Health for
5 the correction. Up to ten certified copies containing the erroneous
6 original information may be exchanged for certified copies
7 containing the corrected information at no additional cost.

8 H. Beginning ~~on the effective date of this act~~ April 26, 2022,
9 the biological sex designation on a certificate of birth amended
10 under this section shall be either male or female and shall not be
11 nonbinary or any symbol representing a nonbinary designation
12 including but not limited to the letter "X".

13 SECTION 11. AMENDATORY 63 O.S. 2021, Section 1-323, is
14 amended to read as follows:

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

- 21 1. The person who is the subject of the record;
- 22 2. A parent named on the record or a person acting with the
23 parent's permission unless that parent is currently incarcerated;

24

- 1 3. Someone acting with permission of the person who is the
2 subject of the record;
- 3 4. Someone acting as a legal representative of the estate of
4 the person who is the subject of the record;
- 5 5. Someone acting as a legal representative of a person
6 involved in a probate of the estate of the person who is the subject
7 of the record, as demonstrated by affidavit;
- 8 6. An attorney licensed to practice in the United States who
9 demonstrates by affidavit that the record is necessary in order to
10 administer a client's estate;
- 11 7. Someone in receipt of a court order from a court of
12 competent jurisdiction ordering access to the record;
- 13 8. The Attorney General or to any district attorney upon
14 request in the course of a criminal investigation;
- 15 9. Only in the case of a death certificate, a funeral director;
- 16 10. A representative of the Department of Corrections, when the
17 subject of the record is under supervision of the Department of
18 Corrections;
- 19 11. A representative of the Department of Human Services acting
20 in accordance with Section 1-311.2 of this title; or
- 21 12. Any other person working in the best interest of the
22 subject of the record or the estate of the subject of record, as
23 determined by regulations of the ~~State~~ Commissioner of Health.

24

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

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

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

19 C. The Department may grant applications for electronic
20 verification of the existence of birth and death certificates for
21 legal and administrative purposes at any time following the birth or
22 death when such applications are made by:

- 23 1. A government agency in conduct of its official business;
- 24

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

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

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

8 The recipient of a record verification, as provided for in this
9 subsection, may not disclose to a party not involved in the issue
10 for which the verification was sought.

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

18 The Commissioner may promulgate rules necessary to implement the
19 provisions of this subsection.

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

23 E. The State Department of Health shall transmit to the
24 Department of Public Safety:

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

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

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

16 F. Each month, the Commissioner shall authorize the
17 transmission to the Oklahoma Health Care Authority of a certified
18 list of all registered deaths of residents of this state that have
19 occurred within the state for the immediately preceding month. The
20 Oklahoma Health Care Authority shall use the transmitted list to
21 ascertain the names of those individuals participating in the state
22 Medicaid program who are deceased, and shall thereafter terminate
23 such deceased person's enrollment in the state Medicaid program.

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

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

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

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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 12. AMENDATORY 63 O.S. 2021, Section 1-329.1, is
5 amended to read as follows:

6 Section 1-329.1. Until a permit for disposal has been issued in
7 accordance with this section, no dead human body whose death
8 occurred within the State of Oklahoma shall be cremated, buried at
9 sea, or made unavailable for further pathologic study by other
10 recognized means of destruction or dissolution of such remains.

11 When the person legally responsible for disposition of a dead
12 human body, whose death occurred or was pronounced within this
13 state, desires that the body be cremated, buried at sea, or made
14 unavailable for further pathologic study by other recognized means
15 of destruction or dissolution of such remains, that person shall
16 complete an application-permit form for such procedure provided by
17 the Office of the Chief Medical Examiner. The Office of the Chief
18 Medical Examiner, in accordance with Section 948.1 of this title,
19 shall charge a fee for each cremation permit issued. The Medical
20 Examiner shall be notified, as required in Section 938 of this
21 title. He or she shall perform the required investigation and shall
22 issue a valid death certificate as required by Section 947 of this
23 title and execute the permit in accordance with rules established by
24 the Office of the Chief Medical Examiner. In order to be valid,

1 each permit must contain an individual number assigned to the
2 particular permit by the Office of the Chief Medical Examiner. A
3 copy of the application-permit form and the original death
4 certificate shall be filed with the State Registrar Department of
5 Health. The original application-permit form shall be filed by the
6 funeral director with the Office of the Chief Medical Examiner.
7 Such filing shall occur or be postmarked within forty-eight (48)
8 hours of the death.

9 If death occurred or was pronounced outside the geographic
10 limits of the State of Oklahoma and the body is brought into this
11 state for such disposal, a transit permit or a permit for removal,
12 issued in accordance with the laws and regulations in force where
13 the death occurred shall authorize the transportation of the body
14 into or through this state and shall be accepted in lieu of a
15 certificate of death as required above. A valid permit issued for
16 disposal of such body in accordance with the laws in the
17 jurisdiction where the body died or death was pronounced shall be
18 authority for cremation or burial at sea or to make the body
19 otherwise unavailable for further pathologic study by other
20 recognized means of destruction or dissolution of such remains.

21 SECTION 13. This act shall become effective July 1, 2025.

22 SECTION 14. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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