

1 ENGROSSED HOUSE
2 BILL NO. 1688

By: Roe of the House

and

Stanley of the Senate

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4
5
6 An Act relating to vital records; amending 63 O.S.
7 2021, Sections 1-301, 1-311, as last amended by
8 Section 131, Chapter 452, O.S.L. 2024, 1-312, 1-
9 315.1, 1-317, as last amended by Section 133, Chapter
10 452, O.S.L. 2024, 1-317a, 1-318, 1-318.2, 1-319, 1-
11 321, as amended by Section 4, Chapter 87, O.S.L.
12 2022, 1-323, 1-329.1, (63 O.S. Supp. 2024, Sections
13 1-311, 1-317, and 1-321), which relate to vital
14 statistics; adding a definition; updating statutory
15 references; clarifying corrections to birth
16 certificates, death certificates, and fetal death
17 certificates; providing an effective date; and
18 declaring an emergency.

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

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

22 Section 1-301. As used in this article:

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

2. "System of vital statistics" means the registration,
collection, preservation, amendment and certification of vital
statistics records, and activities related thereto, including the

1 tabulation, analysis and publication of statistical data derived
2 from such records;

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

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

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

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

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

21 8. "Fetal death" means death prior to the complete expulsion or
22 extraction from its mother of a product of human conception after
23 the fetus has advanced to or beyond the twelfth week of
24 uterogestation. The death is indicated by the fact that, after such

1 expulsion or extraction, the fetus does not breathe or show any
2 other evidence of life such as beating of the heart, pulsation of
3 the umbilical cord or definite movement of voluntary muscles;

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

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

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

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

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

21 14. "Minor correction" means fixing a scrivener's error,
22 correcting an error in the spelling of a name or word of common
23 knowledge, filling in an erroneous omission, deleting an erroneous
24 addition, or something similar. To obtain a minor correction, an

1 applicant shall provide clear and convincing evidence of an
2 objective error that was knowable at or near the time the
3 certificate was made.

4 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-311, as
5 last amended by Section 131, Chapter 452, O.S.L. 2024 (63 O.S. Supp.
6 2024, Section 1-311), is amended to read as follows:

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

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

17 C. When a birth occurs outside an institution, the certificate
18 shall be prepared and filed by one of the following in the indicated
19 order of priority:

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

22 2. Any other person in attendance at or immediately after the
23 birth; or

24

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

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

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

- 19 a. a determination of paternity has been made by an
20 administrative action through the Department of Human
21 Services or a court of competent jurisdiction, in
22 which case the name of the father shall be entered, or
23 b. the mother and father have agreed as to the biological
24 paternity of the child and signed an ~~acknowledgement~~

1 acknowledgment of paternity pursuant to Section 1-
2 311.3 of this title, or substantially similar
3 affidavit from another state and filed it with the
4 ~~State Registrar of Vital Statistics~~ Commissioner of
5 Health.

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

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

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

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

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

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

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

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

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

21 ~~(c)~~ C. A report registered under this section shall constitute
22 the certificate of birth for the infant.

23 ~~(d)~~ D. If the child is identified and a certificate of birth is
24 found or obtained, any report registered under this section shall be

1 sealed and filed and may be opened only by order of a court of
2 competent jurisdiction.

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

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

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

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

17 3. The ~~State Registrar of Vital Statistics Department~~ has
18 determined ~~that all due diligence has been performed and the~~
19 requirements of Section 1-314 of ~~Title 63 of the Oklahoma Statutes~~
20 this title for the filing of a delayed death certificate cannot be
21 met; then a verified petition may be filed with the district court
22 of the county where the death allegedly occurred for an order
23 establishing a judicial record of death.

24 B. The verified petition shall contain the following:

- 1 1. The full legal name of the person who is allegedly deceased;
- 2 2. The date and place of birth of the decedent;
- 3 3. The age of the decedent;
- 4 4. The date and place of the death of the decedent;
- 5 5. The property or financial interest to be resolved;
- 6 6. The determinations of the ~~State Registrar of Vital~~
7 ~~Statistics~~ Department as required in paragraphs 2 and 3 of
8 subsection A of this section; and
- 9 7. Other facts deemed pertinent, which include, but are not
10 limited to, the parents or spouse of the decedent.

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

17 D. Based on the verified petition, all the evidence the
18 applicant has in his or her possession such as personal testimony,
19 affidavits or records and determinations of the ~~State Registrar of~~
20 ~~Vital Statistics~~ Department as required in paragraphs 2 and 3 of
21 subsection A of this section, the court may enter an order:

- 22 1. Establishing the full legal name of the individual who is
23 deceased;
- 24 2. The date and place of the birth of the decedent;

- 1 3. The age of the decedent;
- 2 4. The date and place where the death occurred;
- 3 5. The property or financial interest that is resolved; and
- 4 6. Other facts deemed pertinent by the court and as set forth
- 5 in the verified petition.

6 Said order shall be final and conclusive of all the facts
7 therein adjudged.

8 E. A certified copy of the order shall be filed with the State
9 Department of Health, and a certified copy thereof shall be issued
10 by the State Department of Health in the same manner as certificates
11 of death.

12 F. Issuance of a certified copy of the order filed with the
13 State Department of Health pursuant to this section shall satisfy
14 any and all requirements set forth in any statute requiring a death
15 certificate or order of any court requiring the issuance of a death
16 certificate.

17 SECTION 5. AMENDATORY 63 O.S. 2021, Section 1-317, as
18 last amended by Section 133, Chapter 452, O.S.L. 2024 (63 O.S. Supp.
19 2024, Section 1-317), is amended to read as follows:

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

23 B. The funeral director shall personally sign the death
24 certificate and shall be responsible for filing the death

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

22 C. The medical certification shall be completed and signed
23 within forty-eight (48) hours after death by the physician,
24 physician assistant, or advanced practice registered nurse in charge

1 of the patient's care for the illness or condition which resulted in
2 death, except when inquiry as to the cause of death is required by
3 Section 938 of this title. No later than July 1, 2017, the medical
4 certification portion of certificate data shall be entered into the
5 prescribed electronic system provided by the ~~State Registrar of~~
6 ~~Vital Statistics~~ Department and the information submitted to the
7 ~~State Registrar of Vital Statistics~~ Department.

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

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

18 2. When inquiry as to the cause of death is required by Section
19 938 of this title.

20 Provided, that such certification, if signed by other than the
21 attending physician, physician assistant, or advanced practice
22 registered nurse, shall note on the face the name of the attending
23 physician, physician assistant, or advanced practice registered
24 nurse and that the information shown is only as reported.

1 E. A certifier completing cause of death on a certificate of
2 death who knows that a lethal drug, overdose or other means of
3 assisting suicide within the meaning of Sections 3141.2 through
4 3141.4 of this title caused or contributed to the death shall list
5 that means among the chain of events under cause of death or list it
6 in the box that describes how the injury occurred. If such means is
7 in the chain of events under cause of death or in the box that
8 describes how the injury occurred, the certifier shall indicate
9 "suicide" as the manner of death.

10 F. The authority of a physician assistant to carry out the
11 functions described in this section shall be governed by the
12 practice agreement as provided by Section 519.6 of Title 59 of the
13 Oklahoma Statutes.

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

16 Section 1-317a. A. The State ~~Registrar of Vital Statistics~~
17 Department of Health shall make available to all funeral directors
18 and physicians licensed in this state a system to electronically
19 capture the required information and file the prescribed death
20 certificate with the State Department of Health. Access to the
21 prescribed electronic system shall be provided to registered users
22 at no cost.

23 B. Funeral directors and physicians shall be registered with
24 the ~~State Registrar of Vital Statistics~~ Department prior to using

1 the prescribed electronic system. The ~~State Registrar of Vital~~
2 ~~Statistics~~ Department shall provide such registration at no cost.

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

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

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

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

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

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

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

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

17 Section 1-318.2. The ~~State Registrar of Vital Statistics~~
18 Commissioner of Health shall establish a certificate of birth
19 resulting in stillbirth to be offered to the parent or parents of a
20 stillborn child. The medical staff treating the stillbirth shall
21 notify the parent of the ability to request the certificate. The
22 certificate shall be available to any parent of a stillborn child
23 upon proper application. This certificate shall not be used as
24 evidence of live birth or for identification purposes.

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

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

7 B. A disinterment permit shall be required prior to
8 disinterment of a dead body or fetus except as authorized by
9 regulation or otherwise provided by law. Such permit shall be
10 issued by the ~~State Registrar of Vital Records~~ Commissioner of
11 Health to a licensed funeral director, embalmer, or other person
12 acting as such, upon proper application.

13 C. Application for a disinterment shall include the consent of
14 the next of kin. The consent of the next of kin shall be completed
15 by the next of kin in order of priority as established in Section
16 1158 of Title 21 of the Oklahoma Statutes.

17 D. If the dead body or fetus is to be disinterred and
18 reinterred in the same cemetery, a disinterment permit is not
19 required.

20 E. If the dead body or fetus is to be disinterred and
21 reinterred in the same cemetery, a notice of disinterment and
22 reinterment shall be completed, signed by the funeral director and
23 the next of kin, and then submitted to the ~~State Registrar of Vital~~
24

1 ~~Records at the~~ State Department of Health within five (5) days of
2 such action.

3 F. The forms for the Disinterment Permit and Notice of
4 Disinterment and Reinterment shall be obtained from the ~~State~~
5 ~~Registrar of Vital Records~~ Department.

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

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

13 B. A certificate that is amended under this section shall be
14 marked "amended", except as provided in subsection D of this
15 section. The date of amendment and a summary description of the
16 evidence submitted in support of the amendment shall be endorsed on
17 or made a part of the record.

18 The Commissioner shall prescribe by regulation the conditions under
19 which additions or minor corrections shall be made to birth
20 certificates within one (1) year after the date of birth without the
21 certificate being considered as amended. Certificates shall be
22 marked as "amended" for minor corrections made one (1) year after
23 the date of birth.

24

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

6 D. When a child is born out of wedlock, the Commissioner shall
7 amend a certificate of birth to show paternity, if paternity is not
8 currently shown on the birth certificate, in the following
9 situations:

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

12 2. Upon receipt of a certified copy of a court order
13 adjudicating paternity; or

14 3. Upon receipt of an electronic record from the Department of
15 Human Services indicating that an ~~acknowledgement~~ acknowledgment of
16 paternity has been signed by both parents or a court order
17 adjudicating 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, upon receipt of a certified copy
22 of a court order directing such name be changed or upon receipt of
23 an electronic record from the Department of Human Services
24 indicating that an ~~acknowledgement~~ acknowledgment of paternity has

1 been signed by both parents or a court order directs such name
2 change. Such certificate amended pursuant to this subsection shall
3 not be marked "amended"; or

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

6 F. The Commissioner shall have the power and duty to promulgate
7 rules for situations in which the ~~State Registrar of Vital~~
8 ~~Statistics~~ Department receives false information regarding the
9 identity of a parent.

10 G. If within ~~sixty (60) days~~ one (1) year of the initial
11 issuance of a certificate of death, a funeral director, or a person
12 acting as such, requests a correction to any portion of the death
13 record except the information relating to the medical certification
14 portion, due to a scrivener's error, misspelling or other correction
15 of information, the Commissioner of Health, through the State
16 Registrar of Vital Statistics, shall amend the record, provided the
17 request is made in writing or through an electronic system and is
18 accompanied by documentation disclosing the correct information or
19 by a sworn statement of the funeral director. The funeral director,
20 or person acting as such, shall be responsible for any and all
21 amendment fees that may be imposed by the Commissioner of Health for
22 the correction. Up to ten certified copies containing the erroneous
23 original information may be exchanged for certified copies
24 containing the corrected information at no additional cost.

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

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

8 Section 1-323. A. To protect the integrity of vital statistics
9 records, to ensure their proper use, and to ensure the efficient and
10 proper administration of the vital statistics system, it shall be
11 unlawful for any person to permit inspection of, or to disclose
12 information contained in, vital statistics records, or to copy or
13 issue a copy of all or part of any such record except to:

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

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

17 3. Someone acting with permission of the person who is the
18 subject of the record;

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

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

24

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

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

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

8 9. Only in the case of a death certificate, a funeral director;

9 10. A representative of the Department of Corrections, when the
10 subject of the record is under supervision of the Department of
11 Corrections;

12 11. A representative of the Department of Human Services acting
13 in accordance with Section 1-311.2 of this title; or

14 12. Any other person working in the best interest of the
15 subject of the record or the estate of the subject of record, as
16 determined by regulations of the ~~State~~ Commissioner of Health.

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

21 B. The State Department of Health shall, by July 1, 2017, make
22 available an online public index that includes, as is applicable,
23 the name, gender, date of birth, date of death, county of birth, and
24 county of death of all persons in its records. Birth data shall not

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

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

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

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

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

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

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

23

24

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
3 for which the verification was sought.

4 The Department may charge up to Four Dollars (\$4.00) for each
5 electronic birth or death verification, although such fee may be
6 waived when such request is received by an Oklahoma state or local
7 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 Commissioner to provide such
10 service.

11 The Commissioner may promulgate rules necessary to implement the
12 provisions of this subsection.

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

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

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

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

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

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

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

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1 H. The Commissioner shall authorize the transmission of death
2 certificates to the Department of Labor for the purpose of the
3 Department of Labor conducting a census of total occupational
4 injuries and illnesses. The Department shall transmit to the
5 Department of Labor statistics of fatal occupational injuries that
6 shall include the following:

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

17 I. The Department of Labor shall be required to protect the
18 integrity of the vital statistics records to the same extent
19 required of the Department pursuant to this section.

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

22 Section 1-329.1. Until a permit for disposal has been issued in
23 accordance with this section, no dead human body whose death
24 occurred within the State of Oklahoma shall be cremated, buried at

1 sea, or made unavailable for further pathologic study by other
2 recognized means of destruction or dissolution of such remains.

3 When the person legally responsible for disposition of a dead
4 human body, whose death occurred or was pronounced within this
5 state, desires that the body be cremated, buried at sea, or made
6 unavailable for further pathologic study by other recognized means
7 of destruction or dissolution of such remains, that person shall
8 complete an application-permit form for such procedure provided by
9 the Office of the Chief Medical Examiner. The Office of the Chief
10 Medical Examiner, in accordance with Section 948.1 of this title,
11 shall charge a fee for each cremation permit issued. The Medical
12 Examiner shall be notified, as required in Section 938 of this
13 title. He or she shall perform the required investigation and shall
14 issue a valid death certificate as required by Section 947 of this
15 title and execute the permit in accordance with rules established by
16 the Office of the Chief Medical Examiner. In order to be valid,
17 each permit must contain an individual number assigned to the
18 particular permit by the Office of the Chief Medical Examiner. A
19 copy of the application-permit form and the original death
20 certificate shall be filed with the State ~~Registrar~~ Department of
21 Health. The original application-permit form shall be filed by the
22 funeral director with the Office of the Chief Medical Examiner.
23 Such filing shall occur or be postmarked within forty-eight (48)
24 hours of the death.

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

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

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

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1 Passed the House of Representatives the 13th day of March, 2025.

2
3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ___ day of _____, 2025.

7
8 _____
9 Presiding Officer of the Senate