

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1693

By: Boyd (Laura)

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-307 and 1-325, which relate to birth certificates; clarifying duties of local registrar; increasing certain fee; providing legislative intent; providing for collection and deposit of certain funds; 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. 1991, Section 1-307, is amended to read as follows:

Section 1-307. ~~(a)~~ A. The local registrar, with respect to his registration district, shall:

~~(1) carry~~ 1. Carry out the provisions of this article and instructions, rules, and regulations issued hereunder;i

~~(2) be~~ 2. Be responsible for certificates being completed and filed in accordance with the provisions of this article and the rules and regulations issued hereunder;;

~~(3) transmit~~ 3. Transmit the certificates, reports or other returns filed with ~~him~~ the office to the State Commissioner of Health or the State Registrar of Vital Statistics as directed by either; and

4. Maintain such records, make such reports, and perform such other duties as may be required by the Commissioner.

B. In those instances where the funeral director or person acting as such desires to obtain copies of a certificate of death, the local registrar of the area in the county where the death occurred shall review the certificate of death for accuracy, completeness and to determine that the certificate is signed by a qualified certifier as provided for in the provisions of Oklahoma Statutes.

If, in the opinion of the local registrar, the certificate is not acceptable for any reason, the local registrar shall refuse to complete it and shall advise ~~the~~ a funeral director or person acting as such why the certificate is not acceptable. ~~However, when~~

C. When a certificate of death is determined to meet all qualifications, the local registrar shall date and sign the certificate in the space provided for the same and shall complete and maintain the other records for which ~~he~~ the local registrar is responsible for keeping.

D. No changes or alterations shall be made to the certificate of death after the local registrar has signed it except by the State Registrar of Vital Statistics after it is placed on permanent file in ~~his~~ the office where the amendment will be made in accordance with provisions of this same title and ~~regulations adopted~~ rules promulgated in accordance with these provisions.

E. The local registrar, after completing ~~his~~ the required portion of the certificate of death, shall return it to the funeral director or person acting as such who shall take the certificate to the court clerk of the county in which the death occurred within twenty-four (24) hours after the local registrar has signed it and returned it ~~to him~~. No person shall mail such a certificate to the court clerk. The funeral director or person acting as such shall

present a written application with each certificate of death, as well as payment of fees for the certified copies desired.

F. The fee charged for each certified copy shall be the same as that charged by the State Health Department Division of Vital Records, as established by the Oklahoma State Board of Health, in accordance with provisions of Section 1-325 of this ~~same~~ title. The court clerk shall prescribe according to law the additional fee charged by him for his services in issuing of the certified copies which shall be paid by the funeral director or person acting as such. The funeral director or person acting as such shall present with his application a check or money order made payable to the Oklahoma State Department of Health for the fees paid for the certified copies. Such fees shall be apportioned and deposited pursuant to Section 1-325 of this title.

G. The court clerk shall determine by reviewing the certificate of death that the death occurred in the county for which he serves as court clerk and that the certificate has been signed and dated by the local registrar within the twenty-four-hour period, as previously set forth. In the event a certificate is received in the mail or does not meet the requirements as prescribed above, the court clerk shall refuse to make certified copies and shall direct that the certificate be returned to the local registrar along with any applications and fees received by the same.

H. In the event the certificate meets all requirements the court clerk shall issue certified copies of the original certificate of death to the funeral director or person acting as such only at the time of presentation of the original certificate of death, application for certified copies and payment of the prescribed fee. The court clerk shall immediately thereafter forward the original certificate of death, applications and fees for the same to the State Registrar of Vital Statistics where the original certificate of death will be placed on permanent file. These shall be forwarded

not later than the next working day by the court clerk. No copy of the certificate of death shall be filed or retained by the court clerk.

~~(4) maintain such records, make such reports, and perform such other duties as may be required by the Commissioner.~~

~~(b) I.~~ In accordance with ~~regulations issued hereunder~~ rules promulgated pursuant to this section, a deputy local registrar shall perform the duties of the local registrar in the absence or incapacity of such local registrar, and shall perform such other duties as may be prescribed.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-325, is amended to read as follows:

Section 1-325. A. The Oklahoma State Board of Health shall prescribe the fees to be paid for certified copies of certificates or records, or for a search of the files or records when no copy is made pursuant to the provisions of this section. The Department is authorized to charge Twenty Dollars (\$20.00) for receipt of certified copies or records of births. It is the intent of the Legislature that Fifteen Dollars (\$15.00) from any amount authorized by this section shall be remitted to the College of Pharmacy at the Oklahoma Health Sciences Center for the support and operation of the Oklahoma Poison Control Center. Such monies shall be remitted monthly.

B. The collection of such fees may be accomplished by acceptance of cash, money orders, organization or personal checks; in the event money orders or checks are proved to be noncollectible, neither the Board of Health, the Commissioner of Health, nor any of the employees of the Department of Health will be held responsible and personally liable; it is further required that no additional certified copies of records may be delivered to persons on whom noncollectible drafts remain outstanding.

C. A search and a verification of birth facts shall be furnished free of charge to any person volunteering for enlistment into a branch of the Armed Forces of the United States, upon written request therefor by an officer of the Armed Forces representing the interests of such person who shall be volunteering for service.

SECTION 3. This act shall become effective July 1, 1995.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-5409

KSM