

THE HOUSE OF REPRESENTATIVES
Thursday, March 6, 2008

Committee Substitute for
House Bill No. 2995

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2995 - By: JOHNSON (DENNIS)
of the House and SYKES of the Senate.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-301, which relates to vital statistics; defining terms; creating the Missing Angels Act – Christopher and Kendall’s Law; providing for establishment of certificate of birth resulting in stillbirth; specifying conditions for issuance; specifying notification; providing for name of stillborn child; specifying time for issuance of certificate; providing for delay; specifying reporting requirements; prohibiting certain use; providing for codification; and providing an effective date.

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

- 1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-301, is amended to read
2 as follows:
3 Section 1-301. As used in this article:
4 1. "Vital statistics" means records of birth, death, fetal death and data related
5 thereto;
6 2. "System of vital statistics" means the registration, collection, preservation,
7 amendment and certification of vital statistics records, and activities related thereto,
8 including the tabulation, analysis and publication of statistical data derived from such
9 records;

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

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

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

12 6. "Stillbirth" or "stillborn child" means an unintended intrauterine fetal death
13 after a gestational age of twenty (20) completed weeks or more;

14 7. "Certificate of birth resulting in stillbirth" means a certificate issued to record
15 and memorialize the birth of a stillborn child;

16 8. "Fetal death" means death prior to the complete expulsion or extraction from its
17 mother of a product of human conception after a period of gestation as prescribed by the
18 State Board of Health. The death is indicated by the fact that, after such expulsion or
19 extraction, the fetus does not breathe or show any other evidence of life such as beating
20 of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles;

21 ~~7.~~ 9. "Dead body" means an individual who is determined to be dead pursuant to
22 the provisions of the Uniform Determination of Death Act;

1 ~~8.~~ 10. "Final disposition" means the burial, interment, cremation, or other
2 disposition of a dead body or fetus;

3 ~~9.~~ 11. "Physician" means a person who is a member of the class of persons
4 authorized to use the term "physician" pursuant to Section 725.2 of Title 59 of the
5 Oklahoma Statutes; and

6 ~~10.~~ 12. "Institution" means any establishment, public or private, which provides
7 inpatient medical, surgical or diagnostic care or treatment, or nursing, custodial or
8 domiciliary care, to two or more unrelated individuals, or to which persons are committed
9 by law.

10 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
11 Statutes as Section 1-311.4 of Title 63, unless there is created a duplication in
12 numbering, reads as follows:

13 This act shall be known and may be cited as the "Missing Angels Act – Christopher
14 and Kendall's Law".

15 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma
16 Statutes as Section 1-311.4a of Title 63, unless there is created a duplication in
17 numbering, reads as follows:

18 A. The State Registrar of Vital Statistics shall establish a certificate of birth
19 resulting in stillbirth to be offered to the parent or parents of a stillborn child. The
20 physician or medical staff treating the stillbirth shall notify the parent of the ability to
21 request the certificate. The certificate shall be available to any parent of a stillborn child
22 regardless of the date of the stillbirth and shall meet all of the requirements provided for

1 in Section 1-311 of Title 63 of the Oklahoma Statutes. If the place of stillbirth is
2 unknown or if a stillbirth occurs on a moving conveyance in Oklahoma, a stillbirth
3 certificate shall be filed with the State Registrar.

4 B. A blank space shall be left for the name of a stillborn child on the certificate of
5 birth resulting in stillbirth if the parent or parents of the stillborn child do not wish to
6 provide a name.

7 C. The certificate of birth resulting in stillbirth shall be filed with the designated
8 registrar within seven (7) days following the delivery and prior to cremation or removal
9 of the fetus from the registration district.

10 D. A certificate may be marked as delayed and filed and registered in accordance
11 with Section 1-313 of Title 63 of the Oklahoma Statutes when a birth resulting in
12 stillbirth occurring in this state has not been registered within one (1) year after the date
13 of delivery.

14 E. The State Registrar of Vital Statistics shall not use a certificate of birth
15 resulting in stillbirth to calculate live birth statistics. This certificate shall not be used
16 as evidence of live birth or for identification purposes.

17 SECTION 4. This act shall become effective November 1, 2008.

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03-05-08 - DO
19 PASS, As Amended and Coauthored.