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THE STATE SENATE  
Monday, April 7, 2008

ENGROSSED

House Bill No. 2995

ENGROSSED HOUSE BILL NO. 2995 - By: Johnson (Dennis), Blackwell, Duncan, Faught, Joyner, McMullen and Reynolds 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:

SECTION 1. AMENDATORY 63 O.S. 2001, 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;

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

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

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

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

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

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

22           8. "Fetal death" means death prior to the complete expulsion or  
23 extraction from its mother of a product of human conception after a

1 period of gestation as prescribed by the State Board of Health. The  
2 death is indicated by the fact that, after such expulsion or  
3 extraction, the fetus does not breathe or show any other evidence of  
4 life such as beating of the heart, pulsation of the umbilical cord  
5 or definite movement of voluntary muscles;

6 ~~7-~~ 9. "Dead body" means an individual who is determined to be  
7 dead pursuant to the provisions of the Uniform Determination of  
8 Death Act;

9 ~~8-~~ 10. "Final disposition" means the burial, interment,  
10 cremation, or other disposition of a dead body or fetus;

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

14 ~~10-~~ 12. "Institution" means any establishment, public or  
15 private, which provides inpatient medical, surgical or diagnostic  
16 care or treatment, or nursing, custodial or domiciliary care, to two  
17 or more unrelated individuals, or to which persons are committed by  
18 law.

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

22 This act shall be known and may be cited as the "MISSing Angels  
23 Act - Christopher and Kendall's Law".

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

4           A. The State Registrar of Vital Statistics shall establish a  
5 certificate of birth resulting in stillbirth to be offered to the  
6 parent or parents of a stillborn child. The physician or medical  
7 staff treating the stillbirth shall notify the parent of the ability  
8 to request the certificate. The certificate shall be available to  
9 any parent of a stillborn child regardless of the date of the  
10 stillbirth and shall meet all of the requirements provided for in  
11 Section 1-311 of Title 63 of the Oklahoma Statutes. If the place of  
12 stillbirth is unknown or if a stillbirth occurs on a moving  
13 conveyance in Oklahoma, a stillbirth certificate shall be filed with  
14 the State Registrar.

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

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

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

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

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

11           COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 4-2-08 - DO PASS.