

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2995

By: Johnson (Dennis)

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2001, Section 1-301, which relates to vital  
9 statistics; defining terms; amending 63 O.S. 2001,  
10 Section 1-311, which relates to birth certificates;  
11 providing for a certificate of birth to be issued  
12 upon occurrence of stillbirth; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-301, is  
16 amended to read as follows:

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

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

20 2. "System of vital statistics" means the registration,  
21 collection, preservation, amendment and certification of vital  
22 statistics records, and activities related thereto, including the  
23 tabulation, analysis and publication of statistical data derived  
24 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. "Birth" means the complete expulsion or extraction from the  
10 mother of a product of human conception, irrespective of the  
11 duration of pregnancy

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

19           ~~6.~~ 7. "Stillbirth" or "stillborn child" means a fetal death  
20 wherein the fetus is twenty (20) weeks or more, but does not mean an  
21 aborted fetus, as defined in Section 1-730 of this title;

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  
24 period of gestation as prescribed by the State Board of Health. The

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

5 ~~7.~~ 9. "Dead body" means an individual who is determined to be  
6 dead pursuant to the provisions of the Uniform Determination of  
7 Death Act;

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

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

13 ~~10.~~ 12. "Institution" means any establishment, public or  
14 private, which provides inpatient medical, surgical or diagnostic  
15 care or treatment, or nursing, custodial or domiciliary care, to two  
16 or more unrelated individuals, or to which persons are committed by  
17 law.

18 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-311, is  
19 amended to read as follows:

20 Section 1-311. A. A certificate of birth for each live birth  
21 which occurs in this state shall be filed with the local registrar  
22 of the district in which the birth occurs, within seven (7) days  
23 after the birth; provided, that when a birth occurs on a moving  
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1 conveyance, a birth certificate shall be filed in the district in  
2 which the child was first removed from the conveyance.

3 B. A certificate of birth shall be filed with the local  
4 registrar of the district in which a stillbirth occurs at the time  
5 of the filing of the death certificate in accordance with Section 1-  
6 318 of this title; provided, that:

7 1. If the place of stillbirth is unknown, a birth certificate  
8 shall be filed in the registration district in which the dead fetus  
9 was found; and

10 2. If a stillbirth occurs on a moving conveyance, a birth  
11 certificate shall be filed in the district in which the stillborn  
12 child was first removed from the conveyance.

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

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

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

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

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

6        ~~D.~~ E. 1. If the mother was married at the time of conception  
7 and birth, the name of the husband shall be entered on the  
8 certificate as the father of the child unless paternity has been  
9 determined otherwise by a court of competent jurisdiction or a  
10 husband's denial of paternity form has been filed along with an  
11 affidavit acknowledging paternity, in which case the name of the  
12 father as determined by the court or affidavit acknowledging  
13 paternity shall be entered.

14        2. If the mother was not married at the time of conception and  
15 birth, the name of the father shall be entered on the certificate of  
16 birth only if:

17            a. a determination of paternity has been made by an  
18                administrative action through the Department of Human  
19                Services or a court of competent jurisdiction, in  
20                which case the name of the father shall be entered, or

21            b. the mother and father have signed an affidavit  
22                acknowledging paternity pursuant to Section 1-311.3 of  
23                this title, or substantially similar affidavit from  
24

1 another state and filed it with the State Registrar of  
2 Vital Statistics.

3 ~~E.~~ F. Either of the parents of the child shall sign the  
4 certificate of live birth to attest to the accuracy of the personal  
5 data entered thereon, in time to permit its filing within the seven  
6 (7) days prescribed in this section.

7 SECTION 3. This act shall become effective November 1, 2008.

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