HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1118 By: Rousselot of the House

and

Brinkley of the Senate

COMMITTEE SUBSTITUTE

An Act relating to birth and adoption records; creating the Oklahoma Truth in Adoption Act; amending 63 O.S. 2011, Section 1-323, which relates to the confidentiality of vital records; requiring the issuance of certain birth certificates; specifying requirements and costs; providing for filing of contact preference forms; specifying contents of contact preference form; specifying requirements; directing Registrar to match contact preference form to original birth certificates of adopted persons; directing Registrar to make social and medical histories available to certain persons; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

This act shall be known and may be cited as the "Oklahoma Truth in Adoption Act".

SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-323, is amended to read as follows:

Section 1-323. A. To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in, vital statistics records, or to copy or issue a copy of all or part of any such record except to the person who is the subject of the record or in such person's interest unless ordered to do so by a court of competent jurisdiction. Certified copies of birth certificates and death certificates shall be provided without cost and without a court order to the Attorney General or to any district attorney upon request in the course of a criminal investigation.

B. The State Commissioner of Health may authorize the disclosure of data contained in vital statistics records for public health surveillance or research purposes.

C. <u>1. Effective July 1, 2014, upon written application by an adult adopted person or a descendant of an adopted person who was born in this state and whose birth certificate has been revised due to an adoption, the Registrar of Vital Statistics shall issue to the</u>

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applicant a noncertified copy of the original birth certificate of the adopted person, subject to all requirements and costs imposed upon any request for a birth certificate. The Registrar shall attach a copy of the contact preference form if the biological parent has completed the form as provided in paragraphs 2 and 3 of this subsection.

2. Effective January 1, 2014, a biological parent identified on the original birth certificate of an adopted person may file a contact preference form on which the biological parent may state a preference regarding contact by the adult adopted person. The Registrar shall provide the biological parent with an updated medical and social history form, consistent with the requirements of Section 7504-1.2 of Title 10 of the Oklahoma Statutes, to be completed and returned with the completed contact preference form to the Registrar.

3. The contact preference form shall provide the birth parent with the following options from which the birth parent shall select one:

a. I would like to be contacted. I have completed the contact preference form and an updated medical and social history and am filing them with the Registrar of Vital Statistics,

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b. I would prefer to be contacted only through an intermediary. I have completed the contact preference form and an updated medical and social history and am filing them with the Registrar of Vital Statistics, or

c. I would prefer not to be contacted at this time. I have completed the contact preference form and an updated medical and social history and am filing them with the Registrar of Vital Statistics.

4. When the Registrar receives a completed contact preference form and a completed medical and social history from a birth parent, the Registrar shall match the contact preference form with the original birth certificate. The Registrar shall make the medical and social history available to the adult adopted person as provided in Section 7504-1.2 of Title 10 of the Oklahoma Statutes.

D. The State Department of Health shall transmit to the Department of Public Safety:

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

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

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

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

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

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~~F.~~ G. The Commissioner shall authorize the transmission of death certificates to the Department of Labor for the purpose of the Department of Labor conducting a census of total occupational injuries and illnesses. The Department shall transmit to the Department of Labor statistics of fatal occupational injuries that shall include the following:

1. Name of the deceased;

2. Date of death;

3. Sex;

4. Race;

5. Age;

6. Birth date;

7. Social security number;

8. Whether an autopsy was conducted;

9. Month of the accident; and

10. Whether decedent was of Hispanic origin.

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

SECTION 3. This act shall become effective November 1, 2013.

COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 02/21/2013 - DO PASS, As Amended and Coauthored.

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