SENATE FLOOR VERSION
February 23, 2015

SENATE BILL NO. 110 By: Yen and Standridge of the Senate

and

Grau of the House

An Act relating to transfer of vital records; amending 10 O.S. 2011, Section 7505-6.6, which relates to certificates of adoption; including certain statutory reference to vital statistics records maintained by the State Department of Health; amending 56 O.S. 2011, Section 240.12, which relates to location of parents delinquent on child support payments; permitting provision of paternity information to the Department of Human Services; amending 63 O.S. 2011, Section 1-311, which relates to birth certificates; requiring inclusion of certain persons on birth certificate under certain circumstances; clarifying language relating to acknowledgment of paternity; amending 63 O.S. 2011, Section 1-311.2, which relates to the provision of certain documents to the Department of Human Services; requiring provision of certain electronic records; directing State Registrar of Vital Records to provide certain acknowledgments to Department of Human Services; including certain statutory reference relating to vital records; amending 63 O.S. 2011, Section 1-321, which relates to amendments made to vital records; expanding acceptable conditions for amendments to birth certificates; providing additional condition under which name shall be changed; amending 63 O.S. 2011, Section 1-323, as amended by Section 1, Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2014, Section 1-323), which relates to confidentiality of vital statistics records; directing State Department of Health to transmit certain information to Department of Human Services for certain purposes; directing Department of Human Services to use transmitted information for certain

purposes; requiring Department of Human Services to protect integrity of certain information; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-6.6, is amended to read as follows:

Section 7505-6.6. A. 1. For each adoption or annulment of adoption, the attorney or child-placing agency handling the adoption or annulment of adoption shall prepare and the clerk of the court shall certify, within thirty (30) days after the decree becomes final, a certificate of such decree on a form furnished by the State Registrar of Vital Statistics.

2. Before the fifteenth day of each calendar month, the attorney or child-placing agency handling the adoption or annulment of adoption shall forward to the State Registrar the certificates prepared by the attorney or agency handling the adoption or annulment of adoption during the preceding calendar month. If a biological parent has filed an affidavit of nondisclosure pursuant to Section 7503-2.5 of this title, the attorney or agency handling the adoption shall attach the affidavit of nondisclosure to the certificate of such decree and forward it with the certificate to the State Registrar.

B. The State Registrar, upon receipt of a certificate of a decree of adoption, shall prepare a supplementary birth certificate in the new name of the adopted person with the names of the adoptive parents listed as the parents. The city and county of the place of birth, the hospital, and the name of the physician shall not be changed from the information provided on the original certificate of birth. If the adopted person was born in a foreign country, the State Registrar shall prepare a certificate of foreign birth.

C. The State Registrar shall seal and file the original certificate of birth, if any, with the certificate of decree of adoption and the affidavit of nondisclosure, if any, attached. Upon receipt of a certificate of a court order of annulment of adoption, the State Registrar shall restore the original certificate to its original place in the files.

D. For adoptions finalized after November 1, 1997, the State Registrar shall provide an adopted person, at that person's request, with an uncertified copy of the person's original certificate of birth at any time after the adopted person's eighteenth birthday, if all of the following conditions are met:

1. The adopted person has submitted satisfactory proof of identity;

2. The adopted person has submitted an affidavit in which the adopted person states under oath that such person does not have a biological sibling under the age of eighteen (18) who is currently

in an adoptive family and whose location is known to the adopted person; and

3. The State Registrar has ascertained that at the time of the request there is no unrevoked affidavit of nondisclosure by a biological parent on file. However, if an unrevoked affidavit of nondisclosure from only one biological parent is on file and the other conditions have been met, the State Registrar may release to the adopted person an uncertified copy of the person's original certificate of birth after deleting from that copy of the birth certificate any identifying information regarding the biological parent who filed the unrevoked affidavit of nondisclosure, including, if necessary, the original surname of the adopted person.

E. The State Registrar shall not disclose an original certificate of birth or other sealed adoption records, except as permitted by subsection D of this section, Section 1-323 of Title 63 of the Oklahoma Statutes, or upon order of the court for good cause shown pursuant to Section 7505-1.1 of this title.

SECTION 2. AMENDATORY 56 O.S. 2011, Section 240.12, is amended to read as follows:

Section 240.12. A. Each agency of the state or any political subdivision thereof shall provide information requested by the Oklahoma Department of Human Services when the Department is attempting to establish, modify, or enforce a child support order. Requested information may include, but shall not be limited to:

1. The name, address, telephone number, social security number or other identifying information of any individual;

2. Information regarding the employment, compensation, and benefits of any individual employed by such entity as an employee or contractor;

3. Vital statistics, including all records of marriage, birth, paternity, and divorce;

4. State and local tax and revenue records, including information on residence address, employer, income, and assets;

5. Records containing real and titled personal property;

6. Records of recreational, occupational and professional licenses;

7. Records concerning the ownership and control of corporations, partnerships, and other business entities;

8. Employment security records;

9. Records of agencies administering public assistance programs;

10. Records of the Department of Corrections;

11. Records of court actions or claims; and

12. The Division shall have access to the Oklahoma Law Enforcement Telecommunications Systems network as created in Section 2-124 of Title 47 of the Oklahoma Statutes.

B. Each corporation or other business operating in this state, including for-profit and not-for-profit businesses, shall provide

information requested by the Oklahoma Department of Human Services when the Department is attempting to establish, modify, or enforce a child support order. Requested information may include, but shall not be limited to:

1. The name, address, telephone number, social security number or other identifying information of any individual;

2. Information regarding the employment, compensation, and benefits of any individual employed by such entity as an employee or contractor;

3. The name, address, social security number or other identifying information of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records of public utilities, including 911 emergency records, and cable television companies, pursuant to a written request of the Department;

4. Information, including information on assets and liabilities on such individuals held by financial institutions; and

5. Information regarding claims for injury to persons or property.

C. The entities described above should provide automated access in the case of records maintained in electronic format. To comply with a request of the Department, such entities may:

1. Provide to the Department the list of all individuals in its records for the Department to compare against its records for the

purpose of identifying individuals for whom the Department is attempting to establish, modify or enforce a child support order; or

2. Obtain a list of individuals against whom the Department is attempting to establish, modify or enforce a child support order and compare against the entity's records to identify matching individuals. The Department shall provide the list of child support parties in electronic media format.

D. An entity that provides information to the Department in good faith or takes any other action in good faith in an attempt to comply with the provisions of this section shall not be liable to any individual for disclosing such information.

SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-311, is amended to read as follows:

Section 1-311. A. A certificate of birth for each live birth which occurs in this state shall be filed with the State Registrar, within seven (7) days after the birth.

B. When a birth occurs in an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, and secure the signatures required by the certificate. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five (5) days after the birth.

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

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

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

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

D. 1. If the mother was married at the time of ~~conception and~~ birth, or married at any time during the three hundred (300) days before the birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction or a ~~husband's~~ denial of paternity form has been filed along with an ~~affidavit acknowledging~~ acknowledgment of paternity, in which case the name of the father as determined by the court or ~~affidavit acknowledging~~ acknowledgment of paternity shall be entered.

2. If the mother was not married at the time of ~~conception and~~ birth, or married at any time during the three hundred (300) days before the birth, the name of the father shall be entered on the certificate of birth only if:

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

b. the mother and father have signed an ~~affidavit acknowledging~~ acknowledgment of paternity pursuant to Section 1-311.3 of this title, or substantially similar affidavit from another state and filed it with the State Registrar of Vital Statistics.

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

F. If the live birth results from a process in which the delivering mother was carrying the child of another woman by way of a prearranged legal contract, the original birth certificate shall be filed with the personal information of the woman who delivered the child. A new birth certificate will be placed on file once the State Registrar receives both a court order and a completed form prescribed by the State Registrar which identifies the various parties and documents the personal information of the intended parents necessary to complete the new birth certificate.

SECTION 4. AMENDATORY 63 O.S. 2011, Section 1-311.2, is amended to read as follows:

Section 1-311.2. The State Registrar of Vital Statistics shall provide to the Department of Human Services ~~the verifications of birth certificates, affidavits acknowledging~~ an electronic record of all births and paternity establishments contained within its system of vital records. The State Registrar shall provide to the Department of Human Services acknowledgment of paternity and such other documents or information necessary to comply with ~~this act~~ Sections 1-311 et seq. and 1-323 of this title.

SECTION 5. AMENDATORY 63 O.S. 2011, Section 1-321, is amended to read as follows:

Section 1-321. ~~(a)~~ A. A certificate or record registered under this article may be amended only in accordance with this article and regulations thereunder adopted by the State Board of Health to protect the integrity and accuracy of vital statistics records.

~~(b)~~ B. A certificate that is amended under this section shall be marked "amended", except as provided in subsection ~~(d)~~ D of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The Board shall prescribe by regulation the conditions under which additions or minor corrections shall be made to birth certificates within one (1) year after the date of birth without the certificate being considered as amended.

~~(c)~~ C. Upon receipt of a certified copy of a court order, from a court of competent jurisdiction, changing the name of a person born in this state and upon request of such person or his parent, guardian, or legal representative, the State Commissioner of Health shall amend the certificate of birth to reflect the new name.

~~(d)~~ D. When a child is born out of wedlock, the Commissioner shall amend a certificate of birth to show paternity, if paternity is not currently shown on the birth certificate, in the following situations:

~~(1)~~ 1. Upon request and receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents~~; or~~,

~~(2)~~ 2. Upon receipt of a certified copy of a court order establishing paternity, or

3. Upon receipt of an electronic record from the Department of Human Services indicating that either an acknowledgment of paternity or a court order has established paternity.

~~(e)~~ E. For a child born out of wedlock, the Commissioner shall also change the surname of the child on the certificate:

~~(1)~~ 1. To the specified surname upon receipt of acknowledgment of paternity signed by both parents or upon receipt of a certified copy of a court order directing such name be changed or upon receipt of an electronic record from the Department of Human Services indicating that an acknowledgment or order directs such name change.

Such certificate amended pursuant to this subsection shall not be marked "amended"; or

~~(2)~~ 2. To the surname of the mother on the birth certificate in the event the acknowledgment of paternity is rescinded.

~~(f)~~ F. The State Board of Health shall have the power and duty to promulgate rules for situations in which the State Registrar of Vital Statistics receives false information regarding the identity of a parent.

SECTION 6. AMENDATORY 63 O.S. 2011, Section 1-323, as amended by Section 1, Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2014, 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; provided that death certificates shall be considered publicly available records seventy-five (75) years after the death and birth certificates shall be considered publicly available records one hundred twenty-five (125) years after the birth. 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. 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;

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. 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. Each month, the State Department of Health shall transmit to the Department of Human Services a certified electronic list of all registered deaths of residents of this state that have occurred within the state for the immediately preceding month. The Department of Human Services shall use the transmitted list to ascertain the names of those individuals participating in any program administered by the Department of Human Services who are deceased and shall thereafter take appropriate action in the program.

F. Each month, the State Department of Health shall transmit to the Department of Human Services a record of all registered births that have occurred within the state for the immediately preceding month. The Department of Human Services shall use such records for the purpose of assisting in the administration of programs related to children, including but not limited to child welfare, adoptions, child care, child support and central paternity registry. The Department of Human Services shall be required to protect the integrity of vital statistics records to the same extent required of

the State Department of Health pursuant to the provisions of Section 1-323 of Title 63 of the Oklahoma Statutes.

~~E.~~ G. 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.

~~F.~~ H. 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.~~ I. 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 7. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
February 23, 2015 - DO PASS