

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1495

By: Dunlap and Ritze of the
House

5
6 and

7 Newberry of the Senate

8
9 AS INTRODUCED

10 An Act relating to public health and safety; creating
11 the Death Certificate Accuracy Act; amending
12 63 O.S. 2011, Section 1-317, as amended by Section 1,
13 Chapter 70, O.S.L. 2016 (63 O.S. Supp. 2016, Section
14 1-317), which relates to death certificates;
15 requiring certifier who has knowledge of certain
16 information relating to death to list means under
17 cause of death; amending 63 O.S. 2011, Section 1-
18 324.1, which relates to prohibited acts; providing
19 that certifier who knowingly omits certain
20 information shall have engaged in unprofessional
21 conduct; providing for certain construction;
22 providing for codification; and providing an
23 effective date.

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

25 SECTION 1. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 1-316b of Title 63, unless there
27 is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Death
2 Certificate Accuracy Act".

3 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-317, as
4 amended by Section 1, Chapter 70, O.S.L. 2016 (63 O.S. Supp. 2016,
5 Section 1-317), is amended to read as follows:

6 Section 1-317. A. A death certificate for each death which
7 occurs in this state shall be filed with the State Department of
8 Health, within three (3) days after such death.

9 B. The funeral director shall personally sign the death
10 certificate and shall be responsible for filing the death
11 certificate. If the funeral director is not available, the person
12 acting as such who first assumes custody of a dead body in
13 accordance with Section 1158 of Title 21 of the Oklahoma Statutes
14 shall personally sign and file the death certificate. The personal
15 data shall be obtained from the next of kin or the best qualified
16 person or source available. The certificate shall be completed as
17 to personal data and delivered to the attending physician or the
18 medical examiner responsible for completing the medical
19 certification portion of the certificate of death within twenty-four
20 (24) hours after the death. No later than July 1, 2012, the
21 personal data, and no later than July 1, 2017, the medical
22 certificate portion, shall be entered into the prescribed electronic
23 system provided by the State Registrar of Vital Statistics and the
24 information submitted to the State Registrar of Vital Statistics.

1 The resultant certificate produced by the electronic system shall be
2 provided to the physician or medical examiner for medical
3 certification within twenty-four (24) hours after the death.

4 C. The medical certification shall be completed and signed
5 within forty-eight (48) hours after death by the physician in charge
6 of the patient's care for the illness or condition which resulted in
7 death, except when inquiry as to the cause of death is required by
8 Section 938 of this title.

9 D. In the event that the physician in charge of the patient's
10 care for the illness or condition which resulted in death is not in
11 attendance at the time of death, the medical certification shall be
12 completed and signed within forty-eight (48) hours after death by
13 the physician in attendance at the time of death, except:

14 1. When the patient is under hospice care at the time of death,
15 the medical certification may be signed by the hospice's medical
16 director; and

17 2. When inquiry as to the cause of death is required by Section
18 938 of this title.

19 Provided, that such certification, if signed by other than the
20 attending physician, shall note on the face the name of the
21 attending physician and that the information shown is only as
22 reported.

23 E. A certifier completing cause of death on a certificate of
24 death who knows that a lethal drug, overdose or other means of

1 assisting suicide or suicide within the meaning of Sections 3141.2
2 through 3141.4 of this title caused or contributed to the death,
3 shall list that means among the chain of events under cause of death
4 or list it under significant conditions contributing to death, and
5 if such means is in the chain of events under cause of death, shall
6 indicate "suicide" as the manner of death.

7 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-324.1, is
8 amended to read as follows:

9 Section 1-324.1 A. It shall be unlawful for any person to
10 commit any of the following specified acts in relation to birth,
11 death or stillbirth certificates issued by this state:

12 1. Create, issue, present or possess a fictitious birth, death
13 or stillbirth certificate;

14 2. Apply for a birth, death or stillbirth certificate under
15 false pretenses;

16 3. Alter information contained on a birth, death or stillbirth
17 certificate;

18 4. Obtain, display or represent a birth certificate of any
19 person as one's own by any person, other than the person named on
20 the birth certificate;

21 5. Obtain, display or represent a fictitious death or
22 stillbirth certificate for the purpose of fraud;

1 6. Make a false statement or knowingly conceal a material fact
2 or otherwise commit fraud in an application for a birth, death or
3 stillbirth certificate; or

4 7. Knowingly ~~presenting~~ present a false or forged certificate
5 for filing.

6 B. Except as otherwise provided in this subsection ~~C of this~~
7 ~~section~~, it is a felony for any employee or person authorized to
8 issue or create a birth, death or stillbirth certificate or related
9 record under this title to knowingly issue such certificate or
10 related record to a person not entitled thereto, or to knowingly
11 create or record such certificate bearing erroneous information
12 thereon. A certifier who knowingly omits to list a lethal agent or
13 improperly states manner of death in violation of subsection E of
14 Section 1-317 of this title shall be deemed to have engaged in
15 unprofessional conduct as described in paragraph 8 of Section 509 of
16 Title 59 of the Oklahoma Statutes.

17 C. ~~A~~ Except as otherwise provided in subsection B of this
18 section, a violation of any of the provisions of this section shall
19 constitute a felony.

20 D. Notwithstanding any provision of this section, the State
21 Commissioner of Health or a designated agent, upon the request of a
22 chief administrator of a health or law enforcement agency, may
23 authorize the issuance, display or possession of a birth, death or
24 stillbirth certificate, which would otherwise be in violation of

1 this section, for the sole purpose of education with regard to
2 public health or safety; provided, however, any materials used for
3 such purposes shall be marked "void".

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-317b of Title 63, unless there
6 is created a duplication in numbering, reads as follows:

7 Nothing in the Death Certificate Accuracy Act shall be construed
8 to alter the confidentiality of death certificates or the
9 prohibitions on disclosure of their contents provided for in Section
10 1-323 of Title 63 of the Oklahoma Statutes.

11 SECTION 5. This act shall become effective November 1, 2017.

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13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/08/2017 -
14 DO PASS, As Coauthored.