

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1495

By: Dunlap

AS INTRODUCED

An Act relating to public health and safety; creating the Death Certificate Accuracy Act; amending 63 O.S. 2011, Section 1-317, as amended by Section 1, Chapter 70, O.S.L. 2016 (63 O.S. Supp. 2016, Section 1-317), which relates to death certificates; requiring certifier who has knowledge of certain information relating to death to list means under cause of death; amending 63 O.S. 2011, Section 1-324.1, which relates to prohibited acts; providing that certifier who knowingly omits certain information shall have engaged in unprofessional conduct; providing for certain construction; providing for codification; 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 to be codified in the Oklahoma Statutes as Section 1-316b of Title 63, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

23 C. The medical certification shall be completed and signed
24 within forty-eight (48) hours after death by the physician in charge

1 of the patient's care for the illness or condition which resulted in
2 death, except when inquiry as to the cause of death is required by
3 Section 938 of this title.

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

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

12 2. When inquiry as to the cause of death is required by Section
13 938 of this title.

14 Provided, that such certification, if signed by other than the
15 attending physician, shall note on the face the name of the
16 attending physician and that the information shown is only as
17 reported.

18 E. A certifier completing cause of death on a certificate of
19 death who knows that a lethal drug, overdose or other means of
20 assisting suicide or suicide within the meaning of Sections 3141.2
21 through 3141.4 of this title caused or contributed to the death,
22 shall list that means among the chain of events under cause of death
23 or list it under significant conditions contributing to death, and
24

1 if such means is in the chain of events under cause of death, shall
2 indicate "suicide" as the manner of death.

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

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

8 1. Create, issue, present or possess a fictitious birth, death
9 or stillbirth certificate;

10 2. Apply for a birth, death or stillbirth certificate under
11 false pretenses;

12 3. Alter information contained on a birth, death or stillbirth
13 certificate;

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

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

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

22 7. Knowingly ~~presenting~~ present a false or forged certificate
23 for filing.
24

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

12 C. A Except as otherwise provided in subsection B of this
13 section, a violation of any of the provisions of this section shall
14 constitute a felony.

15 D. Notwithstanding any provision of this section, the State
16 Commissioner of Health or a designated agent, upon the request of a
17 chief administrator of a health or law enforcement agency, may
18 authorize the issuance, display or possession of a birth, death or
19 stillbirth certificate, which would otherwise be in violation of
20 this section, for the sole purpose of education with regard to
21 public health or safety; provided, however, any materials used for
22 such purposes shall be marked "void".
23
24

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

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

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

9

10 56-1-6694 AM 01/18/17

11

12

13

14

15

16

17

18

19

20

21

22

23

24