

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3102

By: Osburn

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2011, Section 1-323, as last amended by Section 1, Chapter 108, O.S.L. 2019 (63 O.S. Supp. 2019, Section 1-323), which relates to confidentiality of vital records; modifying exceptions; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-323, as last amended by Section 1, Chapter 108, O.S.L. 2019 (63 O.S. Supp. 2019, Section 1-323), is amended to read as follows:

Section 1-323. A. To protect the integrity of vital statistics records, to ensure their proper use, and to ensure 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:

1. The person who is the subject of the record;

1 2. A parent named on the record or a person acting with the
2 parent's permission unless that parent is currently incarcerated;

3 3. Someone acting with permission of the person who is the
4 subject of the record;

5 4. Someone acting as a legal representative of the estate of
6 the person who is the subject of the record;

7 5. Someone acting as a legal representative of a person
8 involved in a probate of the estate of the person who is the subject
9 of the record, as demonstrated by affidavit;

10 6. An attorney licensed to practice in the United States who
11 demonstrates by affidavit that the record is necessary in order to
12 administer a client's estate;

13 7. Someone in receipt of a court order from a court of
14 competent jurisdiction ordering access to the record;

15 8. Only in the case of obtaining Social Security benefits for a
16 child, a surviving legal parent. As used in this paragraph a
17 "surviving legal parent" shall mean an individual defined as a
18 parent, by law, on the basis of biological relationship, presumed
19 biological relationship, legal adoption or other recognized grounds;

20 9. The Attorney General or to any district attorney upon
21 request in the course of a criminal investigation;

22 ~~9.~~ 10. Only in the case of a death certificate, a funeral
23 director;

1 ~~10.~~ 11. A representative of the Department of Corrections, when
2 the subject of the record is under supervision of the Department of
3 Corrections; or

4 ~~11.~~ 12. Any other person working in the best interest of the
5 subject of the record, as determined by regulations of the State
6 Board of Health.

7 Provided, that death certificates shall be considered publicly
8 available records fifty (50) years after the death and birth
9 certificates shall be considered publicly available records one
10 hundred twenty-five (125) years after the birth.

11 B. The State Department of Health shall, by July 1, 2017, make
12 available an online public index that includes, as is applicable,
13 the name, gender, date of birth, date of death, county of birth, and
14 county of death of all persons in its records. Birth data shall not
15 be added to the index until twenty (20) years after the birth.
16 Death data shall not be added to the index until five (5) years
17 after the death. The index shall be made available online at no
18 cost to users.

19 Private entities may request assistance from the Department in
20 receiving digital files including all or part of the index described
21 in this subsection. Such private entities may be assessed a fee
22 that shall not exceed the cost of creating and transmitting the
23 digital file. The Board may promulgate rules regarding access to
24 such digital files and applicable fees.

1 C. The Department may grant applications for electronic
2 verification of the existence of birth and death certificates for
3 legal and administrative purposes at any time following the birth or
4 death when such applications are made by:

5 1. A government agency in conduct of its official business;

6 2. A benefit-paying party, including but not limited to an
7 annuity company, pension plan or life insurance company in order to
8 determine benefit status;

9 3. A physician licensed to practice in the United States to
10 determine if a patient has been lost to care; or

11 4. Other entities for fraud protection, subject to verification
12 of the entity's purpose by the Department.

13 The recipient of a record verification as provided for in this
14 subsection may not disclose to a party not involved in the issue for
15 which the verification was sought.

16 The Department of Health may charge up to Four Dollars (\$4.00)
17 for each electronic birth or death verification, although such fee
18 may be waived when such request is received by an Oklahoma state or
19 local government agency. The recipient of a record verification as
20 provided for in this subsection may also be subject to fees levied
21 by a contractor retained by the Board to provide such service.

22 The Board may promulgate rules necessary to implement the
23 provisions of this subsection.

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

4 E. The State Department of Health shall transmit to the
5 Department of Public Safety:

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

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

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

21 F. Each month, the Commissioner shall authorize the
22 transmission to the Oklahoma Health Care Authority of a certified
23 list of all registered deaths of residents of this state that have
24 occurred within the state for the immediately preceding month. The

1 Oklahoma Health Care Authority shall use the transmitted list to
2 ascertain the names of those individuals participating in the state
3 Medicaid program who are deceased, and shall thereafter terminate
4 such deceased person's enrollment in the state Medicaid program.

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

11 H. The Commissioner shall authorize the transmission of death
12 certificates to the Department of Labor for the purpose of the
13 Department of Labor conducting a census of total occupational
14 injuries and illnesses. The Department shall transmit to the
15 Department of Labor statistics of fatal occupational injuries that
16 shall include the following:

- 17 1. Name of the deceased;
- 18 2. Date of death;
- 19 3. Sex;
- 20 4. Race;
- 21 5. Age;
- 22 6. Birth date;
- 23 7. Social Security number;
- 24 8. Whether an autopsy was conducted;

1 9. Month of the accident; and

2 10. Whether decedent was of Hispanic origin.

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

6 SECTION 2. This act shall become effective November 1, 2020.

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