

1 ENGROSSED SENATE
2 BILL NO. 208

By: Garvin of the Senate

3 and

4 Moore of the House
5

6 An Act relating to vital statistics; amending 63 O.S.
7 2011, Section 1-311, which relates to birth
8 certificates; modifying certain conditions; amending
9 63 O.S. 2011, Section 1-311.2, which relates to
10 provision of documentation to the Department of Human
11 Services; modifying requirements related to provision
12 of certain documents and information; prohibiting
13 certain release of information, data or records and
14 requiring certain protection; directing certain data
15 sharing agreement; amending 63 O.S. 2011, Section 1-
16 321, as amended by Section 1, Chapter 96, O.S.L. 2019
17 (63 O.S. Supp. 2020, Section 1-321), which relates to
18 amendment of certificate or record; requiring certain
19 amendments under certain conditions; amending 63 O.S.
20 2011, Section 1-323, as last amended by Section 1,
21 Chapter 108, O.S.L. 2019 (63 O.S. Supp. 2020, Section
22 1-323), which relates to confidentiality of vital
23 statistics records; adding exception; updating and
24 clarifying terms; and providing an effective date.

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

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

21 Section 1-311. A. A certificate of birth for each live birth
22 which occurs in this state shall be filed with the State Registrar,
23 within seven (7) days after the birth.
24

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

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

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

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

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

17 D. 1. If the mother was married at the time of ~~conception and~~
18 birth, or married at any time during the three hundred (300)
19 calendar days before the birth, the name of the husband shall be
20 entered on the certificate as the father of the child unless
21 paternity has been determined otherwise by a court of competent
22 jurisdiction or a husband's denial of paternity form has been filed
23 along with an affidavit acknowledging paternity, in which case the
24

1 name of the father as determined by the court or affidavit
2 acknowledging paternity shall be entered.

3 2. If the mother was not married at the time of ~~conception and~~
4 birth, nor married at any time during the three hundred (300)
5 calendar days before the birth, the name of the father shall be
6 entered on the certificate of birth only if:

- 7 a. a determination of paternity has been made by an
8 administrative action through the Department of Human
9 Services or a court of competent jurisdiction, in
10 which case the name of the father shall be entered, or
- 11 b. the mother and father have signed an ~~affidavit~~
12 ~~acknowledging~~ acknowledgement of paternity pursuant to
13 Section 1-311.3 of this title, or substantially
14 similar affidavit from another state and filed it with
15 the State Registrar of Vital Statistics.

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

20 F. If the live birth results from a process in which the
21 delivering mother was carrying the child of another woman by way of
22 a prearranged legal contract, the original birth certificate shall
23 be filed with the personal information of the woman who delivered
24 the child. A new birth certificate will be placed on file once the

1 State Registrar receives both a court order and a completed form
2 prescribed by the State Registrar which identifies the various
3 parties and documents the personal information of the intended
4 parents necessary to complete the new birth certificate.

5 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-311.2, is
6 amended to read as follows:

7 Section 1-311.2. ~~The State Registrar of Vital Statistics shall~~
8 ~~provide to the Department of Human Services the verifications of~~
9 ~~birth certificates, affidavits acknowledging paternity and such~~
10 ~~other documents or information necessary to comply with this act~~

11 The State Commissioner of Health shall authorize the secure
12 electronic transmission of any birth, death, paternity or adoption
13 data and such other documents or information necessary to comply
14 with the Uniform Parentage Act or for the purpose of assisting with
15 programs administered by the Department of Human Services. The
16 Department of Human Services shall not release information, data or
17 records received from the State Department of Health for these
18 purposes in response to an Open Records Act request and shall
19 protect the integrity of the vital records data to the extent
20 required of the State Department of Health by Section 1-323 of this
21 title. The State Department of Health and the Department of Human
22 Services shall enter into a data sharing agreement for the purpose
23 of implementing the provisions of this section.
24

1 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-321, as
2 amended by Section 1, Chapter 96, O.S.L. 2019 (63 O.S. Supp. 2020,
3 Section 1-321), is amended to read as follows:

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

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

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

23 ~~(d)~~ D. When a child is born out of wedlock, the Commissioner
24 shall amend a certificate of birth to show paternity, if paternity

1 is not currently shown on the birth certificate, in the following
2 situations:

3 ~~(1)~~ 1. Upon request and receipt of a sworn acknowledgment of
4 paternity of a child born out of wedlock signed by both parents; ~~or~~

5 ~~(2)~~ 2. Upon receipt of a certified copy of a court order
6 ~~establishing~~ adjudicating paternity; or

7 3. Upon receipt of an electronic record from the Department of
8 Human Services indicating that an acknowledgement of paternity has
9 been signed by both parents or a court order adjudicating paternity.

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

12 ~~(1)~~ 1. To the specified surname upon receipt of acknowledgment
13 of paternity signed by both parents ~~or~~, upon receipt of a certified
14 copy of a court order directing such name be changed or upon receipt
15 of an electronic record from the Department of Human Services
16 indicating that an acknowledgement of paternity has been signed by
17 both parents or a court order directs such name change. Such

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

20 ~~(2)~~ 2. To the surname of the mother on the birth certificate in
21 the event the acknowledgment of paternity is rescinded.

22 ~~(f)~~ F. The ~~State Board of Health~~ Commissioner shall have the
23 power and duty to promulgate rules for situations in which the State

1 Registrar of Vital Statistics receives false information regarding
2 the identity of a parent.

3 ~~(g)~~ G. If within sixty (60) days of the initial issuance of a
4 certificate of death, a funeral director, or a person acting as
5 such, requests a correction to any portion of the death record
6 except the information relating to the medical certification
7 portion, due to a scrivener's error, misspelling or other correction
8 of information, the Commissioner of Health, through the State
9 Registrar of Vital Statistics, shall amend the record, provided said
10 request is made in writing or through an electronic system and is
11 accompanied by documentation disclosing the correct information or
12 by a sworn statement of the funeral director. The funeral director,
13 or person acting as such, shall be responsible for any and all
14 amendment fees that may be imposed by the Commissioner of Health for
15 said correction. Up to ten certified copies containing the
16 erroneous original information may be exchanged for certified copies
17 containing the corrected information at no additional cost.

18 SECTION 4. AMENDATORY 63 O.S. 2011, Section 1-323, as
19 last amended by Section 1, Chapter 108, O.S.L. 2019 (63 O.S. Supp.
20 2020, Section 1-323), is amended to read as follows:

21 Section 1-323. A. To protect the integrity of vital statistics
22 records, to ensure their proper use, and to ensure the efficient and
23 proper administration of the vital statistics system, it shall be
24 unlawful for any person to permit inspection of, or to disclose

1 information contained in, vital statistics records, or to copy or
2 issue a copy of all or part of any such record except to:

- 3 1. The person who is the subject of the record;
- 4 2. A parent named on the record or a person acting with the
5 parent's permission unless that parent is currently incarcerated;
- 6 3. Someone acting with permission of the person who is the
7 subject of the record;
- 8 4. Someone acting as a legal representative of the estate of
9 the person who is the subject of the record;
- 10 5. Someone acting as a legal representative of a person
11 involved in a probate of the estate of the person who is the subject
12 of the record, as demonstrated by affidavit;
- 13 6. An attorney licensed to practice in the United States who
14 demonstrates by affidavit that the record is necessary in order to
15 administer a client's estate;
- 16 7. Someone in receipt of a court order from a court of
17 competent jurisdiction ordering access to the record;
- 18 8. The Attorney General or to any district attorney upon
19 request in the course of a criminal investigation;
- 20 9. Only in the case of a death certificate, a funeral director;
- 21 10. A representative of the Department of Corrections, when the
22 subject of the record is under supervision of the Department of
23 Corrections; ~~or~~

24

1 11. A representative of the Department of Human Services acting
2 in accordance with Section 1-311.2 of this title; or

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

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

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

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

23 The ~~Board~~ Commissioner may promulgate rules necessary to
24 implement the 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

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.

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.

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.

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 5. This act shall become effective November 1, 2021.

Passed the Senate the 1st day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2021.

Presiding Officer of the House
of Representatives