

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   HOUSE BILL 1638

By: Lepak of the House

5   and

6   **Bergstrom** of the Senate

7  
8  
9   AS INTRODUCED

10           An Act relating to public health and safety; amending  
11           63 O.S. 2011, Section 1-317, as last amended by  
12           Section 2, Chapter 305, O.S.L. 2019 (63 O.S. Supp.  
13           2020, Section 1-317), which relates to death  
14           certificates; requiring the funeral director to  
15           provide certain notification; amending 63 O.S. 2011,  
16           Section 1-324.1, as last amended by Section 53,  
17           Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section  
18           1-324.1), which relates to birth, death, or  
19           stillbirth certificates; prohibiting certain actions;  
20           and providing an effective date.

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

22           SECTION 1.           AMENDATORY           63 O.S. 2011, Section 1-317, as  
23           last amended by Section 2, Chapter 305, O.S.L. 2019 (63 O.S. Supp.  
24           2020, Section 1-317), is amended to read as follows:

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

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

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

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

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

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

22 E. A certifier completing cause of death on a certificate of  
23 death who knows that a lethal drug, overdose or other means of  
24 assisting suicide within the meaning of Sections 3141.2 through

1 3141.4 of this title caused or contributed to the death shall list  
2 that means among the chain of events under cause of death or list it  
3 in the box that describes how the injury occurred. If such means is  
4 in the chain of events under cause of death or in the box that  
5 describes how the injury occurred, the certifier shall indicate  
6 "suicide" as the manner of death.

7 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-324.1, as  
8 last amended by Section 53, Chapter 161, O.S.L. 2020 (63 O.S. Supp.  
9 2020, Section 1-324.1), is amended to read as follows:

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

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

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

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

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

22 5. Obtain, display or represent a fictitious death or  
23 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 present a false or forged certificate for filing;

5       8. Knowingly provide false personal data to a certifier of a  
6 death certificate; or

7       9. Knowingly misrepresent any person's relationship to the  
8 decedent.

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

20       C. Except as otherwise provided in subsection B of this  
21 section, a violation of any of the provisions of this section shall  
22 constitute a felony.

23       D. Notwithstanding any provision of this section, the State  
24 Commissioner of Health or a designated agent, upon the request of a

1 chief administrator of a health or law enforcement agency, may  
2 authorize the issuance, display or possession of a birth, death or  
3 stillbirth certificate, which would otherwise be in violation of  
4 this section, for the sole purpose of education with regard to  
5 public health or safety; provided, however, any materials used for  
6 such purposes shall be marked "void".

7 E. The provisions of this section shall not apply to any  
8 request made to the State Department of Health pursuant to  
9 subsection E of Section 1550.41 of Title 21 of the Oklahoma  
10 Statutes.

11 SECTION 3. This act shall become effective November 1, 2021.

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13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/24/2021 -  
14 DO PASS, As Coauthored.

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