

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1638

By: Lepak

AS INTRODUCED

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

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-317, as last amended by Section 2, Chapter 305, O.S.L. 2019 (63 O.S. Supp. 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.

B. The funeral director shall personally sign the death certificate and shall be responsible for filing the death certificate. If the funeral director is not available, the person

1 acting as such who first assumes custody of a dead body in  
2 accordance with Section 1158 of Title 21 of the Oklahoma Statutes  
3 shall personally sign and file the death certificate. The personal  
4 data shall be obtained from the next of kin or the best qualified  
5 person or source available. The funeral director or person acting  
6 as such shall notify the person providing the personal data that it  
7 is a felony to knowingly provide false data or misrepresent any  
8 person's relationship to the decedent. The certificate shall be  
9 completed as to personal data and delivered to the attending  
10 physician or the medical examiner responsible for completing the  
11 medical certification portion of the certificate of death within  
12 twenty-four (24) hours after the death. No later than July 1, 2012,  
13 the personal data, and no later than July 1, 2017, the medical  
14 certificate portion, shall be entered into the prescribed electronic  
15 system provided by the State Registrar of Vital Statistics and the  
16 information submitted to the State Registrar of Vital Statistics.  
17 The resultant certificate produced by the electronic system shall be  
18 provided to the physician or medical examiner for medical  
19 certification within twenty-four (24) hours after the death.

20 C. The medical certification shall be completed and signed  
21 within forty-eight (48) hours after death by the physician in charge  
22 of the patient's care for the illness or condition which resulted in  
23 death, except when inquiry as to the cause of death is required by  
24 Section 938 of this title. No later than July 1, 2017, the medical

1 certification portion of certificate data shall be entered into the  
2 prescribed electronic system provided by the State Registrar of  
3 Vital Statistics and the information submitted to the State  
4 Registrar of Vital Statistics.

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

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

13 2. When inquiry as to the cause of death is required by Section  
14 938 of this title.

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

19 E. A certifier completing cause of death on a certificate of  
20 death who knows that a lethal drug, overdose or other means of  
21 assisting suicide within the meaning of Sections 3141.2 through  
22 3141.4 of this title caused or contributed to the death shall list  
23 that means among the chain of events under cause of death or list it  
24 in the box that describes how the injury occurred. If such means is

1 in the chain of events under cause of death or in the box that  
2 describes how the injury occurred, the certifier shall indicate  
3 "suicide" as the manner of death.

4 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-324.1, as  
5 last amended by Section 53, Chapter 161, O.S.L. 2020 (63 O.S. Supp.  
6 2020, Section 1-324.1), is amended to read as follows:

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

10 1. Create, issue, present or possess a fictitious birth, death  
11 or stillbirth certificate;

12 2. Apply for a birth, death or stillbirth certificate under  
13 false pretenses;

14 3. Alter information contained on a birth, death or stillbirth  
15 certificate;

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

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

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

24 7. Knowingly present a false or forged certificate for filing;

1       8. Knowingly provide false personal data to a certifier of a  
2 death certificate; or

3       9. Knowingly misrepresent any person's relationship to the  
4 decedent.

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

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

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

1 public health or safety; provided, however, any materials used for  
2 such purposes shall be marked "void".

3 E. The provisions of this section shall not apply to any  
4 request made to the State Department of Health pursuant to  
5 subsection E of Section 1550.41 of Title 21 of the Oklahoma  
6 Statutes.

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

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