

An Act

ENROLLED HOUSE

BILL NO. 2703

By: Hall of the House

and

Holt and Pittman of the
Senate

An Act relating to public health and safety; amending 63 O.S. 2011, Section 1-323, as amended by Section 1, Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2015, Section 1-323), which relates to vital statistics records; expanding list of individuals who may inspect certain records; modifying number of years after which death certificates are considered public; requiring State Department of Health to make available certain online index by certain date; permitting private entities to receive certain digital files; permitting State Board of Health to promulgate certain rules; permitting electronic verification of certain certificates by certain entities; permitting Department to charge certain fee; providing for waiver of certain fee; permitting Board to promulgate certain rules; and providing an effective date.

SUBJECT: Vital statistics records

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-323, as amended by Section 1, Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2015, Section 1-323), is amended to read as follows:

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

1. The person who is the subject of the record ~~or in such person's interest unless ordered to do so by a court of competent jurisdiction; provided;~~

2. A parent named on the record or a person acting with the parent's permission;

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

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

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

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

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

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

9. Only in the case of a death certificate, a funeral director;

10. A representative of the Department of Corrections, when the subject of the record is under supervision of the Department of Corrections; or

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

Provided, that death certificates shall be considered publicly available records ~~seventy five (75)~~ fifty (50) years after the death and birth certificates shall be considered publicly available records one hundred twenty-five (125) years after the birth.

~~Certified copies of birth certificates and death certificates shall be provided without cost and without a court order to the Attorney General or to any district attorney upon request in the course of a criminal investigation.~~

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

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

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

1. A government agency in conduct of its official business;
2. A benefit-paying party, including but not limited to an annuity company, pension plan or life insurance company in order to determine benefit status;
3. A physician licensed to practice in the United States to determine if a patient has been lost to care; or
4. Other entities for fraud protection, subject to verification of the entity's purpose by the Department.

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

The Department of Health may charge up to Four Dollars (\$4.00) for each electronic birth or death verification, although such fee may be waived when such request is received by an Oklahoma state or

local government agency. The recipient of a record verification as provided for in this subsection may also be subject to fees levied by a contractor retained by the Board to provide such service.

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

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

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

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

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

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

~~D.~~ F. Each month, the Commissioner shall authorize the transmission to the Oklahoma Health Care Authority of a certified list of all registered deaths of residents of this state that have 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.

~~E.~~ 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.

~~F.~~ 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~~ Security number;
8. Whether an autopsy was conducted;
9. Month of the accident; and
10. Whether decedent was of Hispanic origin.

~~H.~~ 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 2. This act shall become effective November 1, 2016.

Passed the House of Representatives the 26th day of May, 2016.

Jack Tompkins
Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of May, 2016.

Eddie Fields
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th

day of May, 20 16, at 3:12 o'clock P M.

By: Audrey Redwell

Approved by the Governor of the State of Oklahoma this 10th

day of June, 20 16, at 3:28 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of June, 20 16, at 4:53 o'clock P M.

By: Chris Benge