

1 **SENATE FLOOR VERSION**

2 April 8, 2019

3 ENGROSSED HOUSE  
4 BILL NO. 2053

By: Sims of the House

and

Smalley of the Senate

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6  
7  
8 An Act relating to public health and safety; amending  
9 63 O.S. 2011, Section 1-323, as last amended by  
10 Section 1, Chapter 352, O.S.L. 2016 (63 O.S. Supp.  
11 2018, Section 1-323), which relates to  
12 confidentiality of vital records; modifying  
13 exceptions; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-323, as  
16 last amended by Section 1, Chapter 352, O.S.L. 2016 (63 O.S. Supp.  
17 2018, Section 1-323), is amended to read as follows:

18 Section 1-323. A. To protect the integrity of vital statistics  
19 records, to ensure their proper use, and to ensure the efficient and  
20 proper administration of the vital statistics system, it shall be  
21 unlawful for any person to permit inspection of, or to disclose  
22 information contained in, vital statistics records, or to copy or  
23 issue a copy of all or part of any such record except to:

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

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

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

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

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1        Provided, that death certificates shall be considered publicly  
2 available records fifty (50) years after the death and birth  
3 certificates shall be considered publicly available records one  
4 hundred twenty-five (125) years after the birth.

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

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

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

- 23        1. A government agency in conduct of its official business;
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1        2. A benefit-paying party, including but not limited to an  
2 annuity company, pension plan or life insurance company in order to  
3 determine benefit status;

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

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

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

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

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

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

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

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

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

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

16           F. Each month, the Commissioner shall authorize the  
17 transmission to the Oklahoma Health Care Authority of a certified  
18 list of all registered deaths of residents of this state that have  
19 occurred within the state for the immediately preceding month. The  
20 Oklahoma Health Care Authority shall use the transmitted list to  
21 ascertain the names of those individuals participating in the state  
22 Medicaid program who are deceased, and shall thereafter terminate  
23 such deceased person's enrollment in the state Medicaid program.

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

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

- 13 1. Name of the deceased;
- 14 2. Date of death;
- 15 3. Sex;
- 16 4. Race;
- 17 5. Age;
- 18 6. Birth date;
- 19 7. Social Security number;
- 20 8. Whether an autopsy was conducted;
- 21 9. Month of the accident; and
- 22 10. Whether decedent was of Hispanic origin.

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

4 SECTION 2. This act shall become effective November 1, 2019.

5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
6 April 8, 2019 - DO PASS  
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