

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2703

By: Hall

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending
9 63 O.S. 2011, Section 1-323, as amended by Section 1,
Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2015, Section
10 1-323), which relates to vital statistics records;
requiring State Registrar to review and authorize
11 certain applicant requesting certain information;
requiring certain fee and permitting additional fees;
12 requiring State Department of Health to make certain
index available on its website; and providing an
13 effective date.

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

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

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

1 person who is the subject of the record or in such person's interest
2 unless ordered to do so by a court of competent jurisdiction;
3 provided that death certificates shall be considered publicly
4 available records seventy-five (75) years after the death and birth
5 certificates shall be considered publicly available records one
6 hundred twenty-five (125) years after the birth. Certified copies
7 of birth certificates and death certificates shall be provided
8 without cost and without a court order to the Attorney General or to
9 any district attorney upon request in the course of a criminal
10 investigation.

11 B. The State Registrar shall review and may authorize each
12 applicant requesting an electronic verification of a birth or death
13 certificate through a system for legal or administrative purposes
14 when requested by:

15 a. a government agency in conduct of its official
16 business,

17 b. a benefit-paying party, such as an annuity company,
18 pension plan or life insurance company to determine
19 benefit status,

20 c. physicians licensed to practice in the United States
21 to determine if a patient has been lost to care,

22 d. attorneys licensed to practice in the United States
23 who demonstrate the information is necessary in order
24 to administer a client's estate, or

1 e. other entities for fraud prevention, as determined by
2 the State Registrar.

3 C. Other than for an electronic record's intended use, as
4 described in this section, any person or entity receiving an
5 electronic version of a birth or death record is prohibited from
6 disclosing any information contained in such record. The State
7 Registrar shall charge a fee which shall not exceed Four Dollars
8 (\$4.00) for each record requested as set forth in subsection B of
9 this section. Additional fees may be charged by a subcontractor
10 providing a computer system, billing and collection services for
11 verifications processed using the subcontractor's services. The
12 State Commissioner of Health may waive the state portion of the fee
13 for governmental agencies of the State of Oklahoma.

14 D. No later than July 1, 2017, the State Department of Health
15 shall make a public birth and death index available on its website
16 which shall contain the subject's name, gender, date of the birth or
17 death and the county in which the birth or death occurred. The
18 entire birth and death index shall be in a digitized format. An
19 individual record contained in the index may be accessed through a
20 web portal on the Department's website at no cost. Any individual
21 or entity that desires to obtain portions of or the entire birth or
22 death index shall pay a fee established by the State Board of
23 Health. The index shall include data for births and deaths
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1 occurring more than twenty-five (25) years after the year of the
2 birth or death.

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

6 ~~C.~~ F. The State Department of Health shall transmit to the
7 Department of Public Safety:

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

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

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

23 ~~D.~~ G. Each month, the Commissioner shall authorize the
24 transmission to the Oklahoma Health Care Authority of a certified

1 list of all registered deaths of residents of this state that have
2 occurred within the state for the immediately preceding month. The
3 Oklahoma Health Care Authority shall use the transmitted list to
4 ascertain the names of those individuals participating in the state
5 Medicaid program who are deceased, and shall thereafter terminate
6 such deceased person's enrollment in the state Medicaid program.

7 ~~E.~~ H. For the purpose of assisting in the location and recovery
8 of missing children, information pertaining to birth certificates
9 and requests for copies of birth certificates shall be provided to
10 the Oklahoma State Bureau of Investigation pursuant to the
11 provisions of Section 1-323.1 of this title and Section 150.12A of
12 Title 74 of the Oklahoma Statutes.

13 ~~F.~~ I. The Commissioner shall authorize the transmission of
14 death certificates to the Department of Labor for the purpose of the
15 Department of Labor conducting a census of total occupational
16 injuries and illnesses. The Department shall transmit to the
17 Department of Labor statistics of fatal occupational injuries that
18 shall include the following:

- 19 1. Name of the deceased;
- 20 2. Date of death;
- 21 3. Sex;
- 22 4. Race;
- 23 5. Age;
- 24 6. Birth date;

- 1 7. Social ~~security~~ Security number;
- 2 8. Whether an autopsy was conducted;
- 3 9. Month of the accident; and
- 4 10. Whether decedent was of Hispanic origin.

5 ~~H.~~ J. The Department of Labor shall be required to protect the
6 integrity of the vital statistics records to the same extent
7 required of the Department pursuant to this section.

8 SECTION 2. This act shall become effective November 1, 2016.

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