

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2703

By: Hall of the House

and

Holt of the Senate

7  
8  
9  
10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to public health and safety; amending  
12                   63 O.S. 2011, Section 1-323, as amended by Section 1,  
13                   Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2015, Section  
14                   1-323), which relates to vital statistics records;  
15                   requiring State Registrar to review and authorize  
16                   certain applicant requesting certain information;  
17                   requiring certain fee and permitting additional fees;  
18                   requiring State Department of Health to make certain  
19                   index available on its website; and providing an  
20                   effective date.

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

22                   SECTION 1.           AMENDATORY           63 O.S. 2011, Section 1-323, as  
23                   amended by Section 1, Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2015,  
24                   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,

1 it shall be unlawful for any person to permit inspection of, or to  
2 disclose information contained in, vital statistics records, or to  
3 copy or issue a copy of all or part of any such record except to the  
4 person who is the subject of the record or in such person's interest  
5 unless ordered to do so by a court of competent jurisdiction;  
6 provided that death certificates shall be considered publicly  
7 available records seventy-five (75) years after the death and birth  
8 certificates shall be considered publicly available records one  
9 hundred twenty-five (125) years after the birth. Certified copies  
10 of birth certificates and death certificates shall be provided  
11 without cost and without a court order to the Attorney General or to  
12 any district attorney upon request in the course of a criminal  
13 investigation.

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

- 18 a. a government agency in conduct of its official  
19 business,
- 20 b. a benefit-paying party, such as an annuity company,  
21 pension plan or life insurance company to determine  
22 benefit status,
- 23 c. physicians licensed to practice in the United States  
24 to determine if a patient has been lost to care,

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

4 e. other entities for fraud prevention, as determined by  
5 the State Registrar.

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

17 D. No later than July 1, 2017, the State Department of Health  
18 shall make a public birth and death index available on its website  
19 which shall contain the subject's name, gender, date of the birth or  
20 death and the county in which the birth or death occurred. The  
21 entire birth and death index shall be in a digitized format. An  
22 individual record contained in the index may be accessed through a  
23 web portal on the Department's website at no cost. Any individual  
24 or entity that desires to obtain portions of or the entire birth or

1 death index shall pay a fee established by the State Board of  
2 Health. The index shall include data for births and deaths  
3 occurring more than twenty-five (25) years after the year of the  
4 birth or death.

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

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

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

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

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

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

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

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

- 21           1. Name of the deceased;
- 22           2. Date of death;
- 23           3. Sex;
- 24           4. Race;

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

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

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

11  
12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/24/2016 -  
13 DO PASS, As Amended and Coauthored.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24