

1 ENGROSSED HOUSE  
2 BILL NO. 2703

By: Hall of the House

3 and

4 Holt of the Senate

5  
6 An Act relating to public health and safety; amending  
7 63 O.S. 2011, Section 1-323, as amended by Section 1,  
8 Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2015, Section  
9 1-323), which relates to vital statistics records;  
10 requiring State Registrar to review and authorize  
11 certain applicant requesting certain information;  
12 requiring certain fee and permitting additional fees;  
13 requiring State Department of Health to make certain  
14 index available on its website; and providing an  
15 effective date.

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

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

20 Section 1-323. A. To protect the integrity of vital statistics  
21 records, to ~~insure~~ ensure their proper use, and to ~~insure~~ ensure the  
22 efficient and proper administration of the vital statistics system,  
23 it shall be unlawful for any person to permit inspection of, or to  
24 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  
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;

1 provided that death certificates shall be considered publicly  
2 available records seventy-five (75) years after the death and birth  
3 certificates shall be considered publicly available records one  
4 hundred twenty-five (125) years after the birth. Certified copies  
5 of birth certificates and death certificates shall be provided  
6 without cost and without a court order to the Attorney General or to  
7 any district attorney upon request in the course of a criminal  
8 investigation.

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

- 13 a. a government agency in conduct of its official  
14 business,
- 15 b. a benefit-paying party, such as an annuity company,  
16 pension plan or life insurance company to determine  
17 benefit status,
- 18 c. physicians licensed to practice in the United States  
19 to determine if a patient has been lost to care,
- 20 d. attorneys licensed to practice in the United States  
21 who demonstrate the information is necessary in order  
22 to administer a client's estate, or
- 23 e. other entities for fraud prevention, as determined by  
24 the State Registrar.

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

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

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

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

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

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

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

21        ~~D.~~ G. Each month, the Commissioner shall authorize the  
22 transmission to the Oklahoma Health Care Authority of a certified  
23 list of all registered deaths of residents of this state that have  
24 occurred within the state for the immediately preceding month. The

1 Oklahoma Health Care Authority shall use the transmitted list to  
2 ascertain the names of those individuals participating in the state  
3 Medicaid program who are deceased, and shall thereafter terminate  
4 such deceased person's enrollment in the state Medicaid program.

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

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

- 17 1. Name of the deceased;
- 18 2. Date of death;
- 19 3. Sex;
- 20 4. Race;
- 21 5. Age;
- 22 6. Birth date;
- 23 7. Social ~~security~~ Security number;
- 24 8. Whether an autopsy was conducted;

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9. Month of the accident; and

10. Whether decedent was of Hispanic origin.

~~H.~~ J. 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 1st day of March, 2016.

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Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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Presiding Officer of the Senate