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February 23, 2015

By: Yen and Standridge of the
Senate

and

Grau of the House

An Act relating to transfer of vital records; amending 10 O.S. 2011, Section 7505-6.6, which relates to certificates of adoption; including certain statutory reference to vital statistics records maintained by the State Department of Health; amending 56 O.S. 2011, Section 240.12, which relates to location of parents delinquent on child support payments; permitting provision of paternity information to the Department of Human Services; amending 63 O.S. 2011, Section 1-311, which relates to birth certificates; requiring inclusion of certain persons on birth certificate under certain circumstances; clarifying language relating to acknowledgment of paternity; amending 63 O.S. 2011, Section 1-311.2, which relates to the provision of certain documents to the Department of Human Services; requiring provision of certain electronic records; directing State Registrar of Vital Records to provide certain acknowledgments to Department of Human Services; including certain statutory reference relating to vital records; amending 63 O.S. 2011, Section 1-321, which relates to amendments made to vital records; expanding acceptable conditions for amendments to birth certificates; providing additional condition under which name shall be changed; amending 63 O.S. 2011, Section 1-323, as amended by Section 1, Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2014, Section 1-323), which relates to confidentiality of vital statistics records; directing State Department of Health to transmit certain information to Department of Human Services for certain purposes; directing Department of Human Services to use transmitted information for certain

1 purposes; requiring Department of Human Services to
2 protect integrity of certain information; and
3 providing an effective date.
4

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

6 SECTION 1. AMENDATORY 10 O.S. 2011, Section 7505-6.6, is
7 amended to read as follows:

8 Section 7505-6.6. A. 1. For each adoption or annulment of
9 adoption, the attorney or child-placing agency handling the adoption
10 or annulment of adoption shall prepare and the clerk of the court
11 shall certify, within thirty (30) days after the decree becomes
12 final, a certificate of such decree on a form furnished by the State
13 Registrar of Vital Statistics.

14 2. Before the fifteenth day of each calendar month, the
15 attorney or child-placing agency handling the adoption or annulment
16 of adoption shall forward to the State Registrar the certificates
17 prepared by the attorney or agency handling the adoption or
18 annulment of adoption during the preceding calendar month. If a
19 biological parent has filed an affidavit of nondisclosure pursuant
20 to Section 7503-2.5 of this title, the attorney or agency handling
21 the adoption shall attach the affidavit of nondisclosure to the
22 certificate of such decree and forward it with the certificate to
23 the State Registrar.
24

1 B. The State Registrar, upon receipt of a certificate of a
2 decree of adoption, shall prepare a supplementary birth certificate
3 in the new name of the adopted person with the names of the adoptive
4 parents listed as the parents. The city and county of the place of
5 birth, the hospital, and the name of the physician shall not be
6 changed from the information provided on the original certificate of
7 birth. If the adopted person was born in a foreign country, the
8 State Registrar shall prepare a certificate of foreign birth.

9 C. The State Registrar shall seal and file the original
10 certificate of birth, if any, with the certificate of decree of
11 adoption and the affidavit of nondisclosure, if any, attached. Upon
12 receipt of a certificate of a court order of annulment of adoption,
13 the State Registrar shall restore the original certificate to its
14 original place in the files.

15 D. For adoptions finalized after November 1, 1997, the State
16 Registrar shall provide an adopted person, at that person's request,
17 with an uncertified copy of the person's original certificate of
18 birth at any time after the adopted person's eighteenth birthday, if
19 all of the following conditions are met:

20 1. The adopted person has submitted satisfactory proof of
21 identity;

22 2. The adopted person has submitted an affidavit in which the
23 adopted person states under oath that such person does not have a
24 biological sibling under the age of eighteen (18) who is currently

1 in an adoptive family and whose location is known to the adopted
2 person; and

3 3. The State Registrar has ascertained that at the time of the
4 request there is no unrevoked affidavit of nondisclosure by a
5 biological parent on file. However, if an unrevoked affidavit of
6 nondisclosure from only one biological parent is on file and the
7 other conditions have been met, the State Registrar may release to
8 the adopted person an uncertified copy of the person's original
9 certificate of birth after deleting from that copy of the birth
10 certificate any identifying information regarding the biological
11 parent who filed the unrevoked affidavit of nondisclosure,
12 including, if necessary, the original surname of the adopted person.

13 E. The State Registrar shall not disclose an original
14 certificate of birth or other sealed adoption records, except as
15 permitted by subsection D of this section, Section 1-323 of Title 63
16 of the Oklahoma Statutes, or upon order of the court for good cause
17 shown pursuant to Section 7505-1.1 of this title.

18 SECTION 2. AMENDATORY 56 O.S. 2011, Section 240.12, is
19 amended to read as follows:

20 Section 240.12. A. Each agency of the state or any political
21 subdivision thereof shall provide information requested by the
22 Oklahoma Department of Human Services when the Department is
23 attempting to establish, modify, or enforce a child support order.
24 Requested information may include, but shall not be limited to:

1 1. The name, address, telephone number, social security number
2 or other identifying information of any individual;

3 2. Information regarding the employment, compensation, and
4 benefits of any individual employed by such entity as an employee or
5 contractor;

6 3. Vital statistics, including all records of marriage, birth,
7 paternity, and divorce;

8 4. State and local tax and revenue records, including
9 information on residence address, employer, income, and assets;

10 5. Records containing real and titled personal property;

11 6. Records of recreational, occupational and professional
12 licenses;

13 7. Records concerning the ownership and control of
14 corporations, partnerships, and other business entities;

15 8. Employment security records;

16 9. Records of agencies administering public assistance
17 programs;

18 10. Records of the Department of Corrections;

19 11. Records of court actions or claims; and

20 12. The Division shall have access to the Oklahoma Law
21 Enforcement Telecommunications Systems network as created in Section
22 2-124 of Title 47 of the Oklahoma Statutes.

23 B. Each corporation or other business operating in this state,
24 including for-profit and not-for-profit businesses, shall provide

1 information requested by the Oklahoma Department of Human Services
2 when the Department is attempting to establish, modify, or enforce a
3 child support order. Requested information may include, but shall
4 not be limited to:

5 1. The name, address, telephone number, social security number
6 or other identifying information of any individual;

7 2. Information regarding the employment, compensation, and
8 benefits of any individual employed by such entity as an employee or
9 contractor;

10 3. The name, address, social security number or other
11 identifying information of such individuals and the names and
12 addresses of the employers of such individuals, as appearing in
13 customer records of public utilities, including 911 emergency
14 records, and cable television companies, pursuant to a written
15 request of the Department;

16 4. Information, including information on assets and liabilities
17 on such individuals held by financial institutions; and

18 5. Information regarding claims for injury to persons or
19 property.

20 C. The entities described above should provide automated access
21 in the case of records maintained in electronic format. To comply
22 with a request of the Department, such entities may:

23 1. Provide to the Department the list of all individuals in its
24 records for the Department to compare against its records for the

1 purpose of identifying individuals for whom the Department is
2 attempting to establish, modify or enforce a child support order; or

3 2. Obtain a list of individuals against whom the Department is
4 attempting to establish, modify or enforce a child support order and
5 compare against the entity's records to identify matching
6 individuals. The Department shall provide the list of child support
7 parties in electronic media format.

8 D. An entity that provides information to the Department in
9 good faith or takes any other action in good faith in an attempt to
10 comply with the provisions of this section shall not be liable to
11 any individual for disclosing such information.

12 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-311, is
13 amended to read as follows:

14 Section 1-311. A. A certificate of birth for each live birth
15 which occurs in this state shall be filed with the State Registrar,
16 within seven (7) days after the birth.

17 B. When a birth occurs in an institution, the person in charge
18 of the institution or a designated representative shall obtain the
19 personal data, prepare the certificate, and secure the signatures
20 required by the certificate. The physician in attendance shall
21 certify to the facts of birth and provide the medical information
22 required by the certificate within five (5) days after the birth.

1 C. When a birth occurs outside an institution, the certificate
2 shall be prepared and filed by one of the following in the indicated
3 order of priority:

4 1. The physician in attendance at or immediately after the
5 birth;

6 2. Any other person in attendance at or immediately after the
7 birth; or

8 3. The father, the mother, or, in the absence or inability of
9 the father or mother, the person in charge of the premises where the
10 birth occurred and present at the birth.

11 D. 1. If the mother was married at the time of ~~conception and~~
12 birth, or married at any time during the three hundred (300) days
13 before the birth, the name of the husband shall be entered on the
14 certificate as the father of the child unless paternity has been
15 determined otherwise by a court of competent jurisdiction or a
16 ~~husband's~~ denial of paternity form has been filed along with an
17 ~~affidavit acknowledging~~ acknowledgment of paternity, in which case
18 the name of the father as determined by the court or ~~affidavit~~
19 ~~acknowledging~~ acknowledgment of paternity shall be entered.

20 2. If the mother was not married at the time of ~~conception and~~
21 birth, or married at any time during the three hundred (300) days
22 before the birth, the name of the father shall be entered on the
23 certificate of birth only if:
24

- 1 a. a determination of paternity has been made by an
2 administrative action through the Department of Human
3 Services or a court of competent jurisdiction, in
4 which case the name of the father shall be entered, or
5 b. the mother and father have signed an ~~affidavit~~
6 ~~acknowledging~~ acknowledgment of paternity pursuant to
7 Section 1-311.3 of this title, or substantially
8 similar affidavit from another state and filed it with
9 the State Registrar of Vital Statistics.

10 E. Either of the parents of the child shall sign the
11 certificate of live birth worksheet to attest to the accuracy of the
12 personal data entered thereon, in time to permit its filing within
13 the seven (7) days prescribed in this section.

14 F. If the live birth results from a process in which the
15 delivering mother was carrying the child of another woman by way of
16 a prearranged legal contract, the original birth certificate shall
17 be filed with the personal information of the woman who delivered
18 the child. A new birth certificate will be placed on file once the
19 State Registrar receives both a court order and a completed form
20 prescribed by the State Registrar which identifies the various
21 parties and documents the personal information of the intended
22 parents necessary to complete the new birth certificate.

23 SECTION 4. AMENDATORY 63 O.S. 2011, Section 1-311.2, is
24 amended to read as follows:

1 Section 1-311.2. The State Registrar of Vital Statistics shall
2 provide to the Department of Human Services ~~the verifications of~~
3 ~~birth certificates, affidavits acknowledging~~ an electronic record of
4 all births and paternity establishments contained within its system
5 of vital records. The State Registrar shall provide to the
6 Department of Human Services acknowledgment of paternity and such
7 other documents or information necessary to comply with ~~this act~~
8 Sections 1-311 et seq. and 1-323 of this title.

9 SECTION 5. AMENDATORY 63 O.S. 2011, Section 1-321, is
10 amended to read as follows:

11 Section 1-321. ~~(a)~~ A. A certificate or record registered
12 under this article may be amended only in accordance with this
13 article and regulations thereunder adopted by the State Board of
14 Health to protect the integrity and accuracy of vital statistics
15 records.

16 ~~(b)~~ B. A certificate that is amended under this section shall
17 be marked "amended", except as provided in subsection ~~(d)~~ D of this
18 section. The date of amendment and a summary description of the
19 evidence submitted in support of the amendment shall be endorsed on
20 or made a part of the record. The Board shall prescribe by
21 regulation the conditions under which additions or minor corrections
22 shall be made to birth certificates within one (1) year after the
23 date of birth without the certificate being considered as amended.

1 ~~(c)~~ C. Upon receipt of a certified copy of a court order, from
2 a court of competent jurisdiction, changing the name of a person
3 born in this state and upon request of such person or his parent,
4 guardian, or legal representative, the State Commissioner of Health
5 shall amend the certificate of birth to reflect the new name.

6 ~~(d)~~ D. When a child is born out of wedlock, the Commissioner
7 shall amend a certificate of birth to show paternity, if paternity
8 is not currently shown on the birth certificate, in the following
9 situations:

10 ~~(1)~~ 1. Upon request and receipt of a sworn acknowledgment of
11 paternity of a child born out of wedlock signed by both parents~~, or,~~

12 ~~(2)~~ 2. Upon receipt of a certified copy of a court order
13 establishing paternity, or

14 3. Upon receipt of an electronic record from the Department of
15 Human Services indicating that either an acknowledgment of paternity
16 or a court order has established paternity.

17 ~~(e)~~ E. For a child born out of wedlock, the Commissioner shall
18 also change the surname of the child on the certificate:

19 ~~(1)~~ 1. To the specified surname upon receipt of acknowledgment
20 of paternity signed by both parents or upon receipt of a certified
21 copy of a court order directing such name be changed or upon receipt
22 of an electronic record from the Department of Human Services
23 indicating that an acknowledgment or order directs such name change.

1 Such certificate amended pursuant to this subsection shall not be
2 marked "amended"; or

3 ~~(2)~~ 2. To the surname of the mother on the birth certificate in
4 the event the acknowledgment of paternity is rescinded.

5 ~~(f)~~ F. The State Board of Health shall have the power and duty
6 to promulgate rules for situations in which the State Registrar of
7 Vital Statistics receives false information regarding the identity
8 of a parent.

9 SECTION 6. AMENDATORY 63 O.S. 2011, Section 1-323, as
10 amended by Section 1, Chapter 211, O.S.L. 2014 (63 O.S. Supp. 2014,
11 Section 1-323), is amended to read as follows:

12 Section 1-323. A. To protect the integrity of vital statistics
13 records, to insure their proper use, and to insure the efficient and
14 proper administration of the vital statistics system, it shall be
15 unlawful for any person to permit inspection of, or to disclose
16 information contained in, vital statistics records, or to copy or
17 issue a copy of all or part of any such record except to the person
18 who is the subject of the record or in such person's interest unless
19 ordered to do so by a court of competent jurisdiction; provided that
20 death certificates shall be considered publicly available records
21 seventy-five (75) years after the death and birth certificates shall
22 be considered publicly available records one hundred twenty-five
23 (125) years after the birth. Certified copies of birth certificates
24 and death certificates shall be provided without cost and without a

1 court order to the Attorney General or to any district attorney upon
2 request in the course of a criminal investigation.

3 B. 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. 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. 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. Each month, the State Department of Health shall transmit to
8 the Department of Human Services a certified electronic list of all
9 registered deaths of residents of this state that have occurred
10 within the state for the immediately preceding month. The
11 Department of Human Services shall use the transmitted list to
12 ascertain the names of those individuals participating in any
13 program administered by the Department of Human Services who are
14 deceased and shall thereafter take appropriate action in the
15 program.

16 F. Each month, the State Department of Health shall transmit to
17 the Department of Human Services a record of all registered births
18 that have occurred within the state for the immediately preceding
19 month. The Department of Human Services shall use such records for
20 the purpose of assisting in the administration of programs related
21 to children, including but not limited to child welfare, adoptions,
22 child care, child support and central paternity registry. The
23 Department of Human Services shall be required to protect the
24 integrity of vital statistics records to the same extent required of

1 the State Department of Health pursuant to the provisions of Section
2 1-323 of Title 63 of the Oklahoma Statutes.

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

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

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

1 ~~H.~~ 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 7. This act shall become effective November 1, 2015.

5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
6 February 23, 2015 - DO PASS
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