

1 ENGROSSED SENATE
2 BILL NO. 110

By: Yen and Standridge of the
Senate

3 and

4 Grau of the House
5

6 An Act relating to transfer of vital records;
7 amending 10 O.S. 2011, Section 7505-6.6, which
8 relates to certificates of adoption; including
9 certain statutory reference to vital statistics
10 records maintained by the State Department of Health;
11 amending 56 O.S. 2011, Section 240.12, which relates
12 to location of parents delinquent on child support
13 payments; permitting provision of paternity
14 information to the Department of Human Services;
15 amending 63 O.S. 2011, Section 1-311, which relates
16 to birth certificates; requiring inclusion of certain
17 persons on birth certificate under certain
18 circumstances; clarifying language relating to
19 acknowledgment of paternity; amending 63 O.S. 2011,
20 Section 1-311.2, which relates to the provision of
21 certain documents to the Department of Human
22 Services; requiring provision of certain electronic
23 records; directing State Registrar of Vital Records
24 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
purposes; requiring Department of Human Services to
protect integrity of certain information; and
providing an effective date.

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

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

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

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

20 B. The State Registrar, upon receipt of a certificate of a
21 decree of adoption, shall prepare a supplementary birth certificate
22 in the new name of the adopted person with the names of the adoptive
23 parents listed as the parents. The city and county of the place of
24 birth, the hospital, and the name of the physician shall not be

1 changed from the information provided on the original certificate of
2 birth. If the adopted person was born in a foreign country, the
3 State Registrar shall prepare a certificate of foreign birth.

4 C. The State Registrar shall seal and file the original
5 certificate of birth, if any, with the certificate of decree of
6 adoption and the affidavit of nondisclosure, if any, attached. Upon
7 receipt of a certificate of a court order of annulment of adoption,
8 the State Registrar shall restore the original certificate to its
9 original place in the files.

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

15 1. The adopted person has submitted satisfactory proof of
16 identity;

17 2. The adopted person has submitted an affidavit in which the
18 adopted person states under oath that such person does not have a
19 biological sibling under the age of eighteen (18) who is currently
20 in an adoptive family and whose location is known to the adopted
21 person; and

22 3. The State Registrar has ascertained that at the time of the
23 request there is no unrevoked affidavit of nondisclosure by a
24 biological parent on file. However, if an unrevoked affidavit of

1 nondisclosure from only one biological parent is on file and the
2 other conditions have been met, the State Registrar may release to
3 the adopted person an uncertified copy of the person's original
4 certificate of birth after deleting from that copy of the birth
5 certificate any identifying information regarding the biological
6 parent who filed the unrevoked affidavit of nondisclosure,
7 including, if necessary, the original surname of the adopted person.

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

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

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

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

22 2. Information regarding the employment, compensation, and
23 benefits of any individual employed by such entity as an employee or
24 contractor;

1 3. Vital statistics, including all records of marriage, birth,
2 paternity, and divorce;

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

5 5. Records containing real and titled personal property;

6 6. Records of recreational, occupational and professional
7 licenses;

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

10 8. Employment security records;

11 9. Records of agencies administering public assistance
12 programs;

13 10. Records of the Department of Corrections;

14 11. Records of court actions or claims; and

15 12. The Division shall have access to the Oklahoma Law
16 Enforcement Telecommunications Systems network as created in Section
17 2-124 of Title 47 of the Oklahoma Statutes.

18 B. Each corporation or other business operating in this state,
19 including for-profit and not-for-profit businesses, shall provide
20 information requested by the Oklahoma Department of Human Services
21 when the Department is attempting to establish, modify, or enforce a
22 child support order. Requested information may include, but shall
23 not be limited to:
24

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

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

14 5. Information regarding claims for injury to persons or
15 property.

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

19 1. Provide to the Department the list of all individuals in its
20 records for the Department to compare against its records for the
21 purpose of identifying individuals for whom the Department is
22 attempting to establish, modify or enforce a child support order; or

23 2. Obtain a list of individuals against whom the Department is
24 attempting to establish, modify or enforce a child support order and

1 compare against the entity's records to identify matching
2 individuals. The Department shall provide the list of child support
3 parties in electronic media format.

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

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

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

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

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

22 1. The physician in attendance at or immediately after the
23 birth;

24

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

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

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

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

- 19 a. a determination of paternity has been made by an
20 administrative action through the Department of Human
21 Services or a court of competent jurisdiction, in
22 which case the name of the father shall be entered, or
23 b. the mother and father have signed an ~~affidavit~~
24 ~~acknowledging~~ acknowledgment of paternity pursuant to

1 Section 1-311.3 of this title, or substantially
2 similar affidavit from another state and filed it with
3 the State Registrar of Vital Statistics.

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

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

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

19 Section 1-311.2. The State Registrar of Vital Statistics shall
20 provide to the Department of Human Services ~~the verifications of~~
21 ~~birth certificates, affidavits acknowledging~~ an electronic record of
22 all births and paternity establishments contained within its system
23 of vital records. The State Registrar shall provide to the
24 Department of Human Services acknowledgment of paternity and such

1 other documents or information necessary to comply with ~~this act~~
2 Sections 1-311 et seq. and 1-323 of this title.

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

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

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

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

23 ~~(d)~~ D. When a child is born out of wedlock, the Commissioner
24 shall amend a certificate of birth to show paternity, if paternity

1 is not currently shown on the birth certificate, in the following
2 situations:

3 ~~(1)~~ 1. Upon request and receipt of a sworn acknowledgment of
4 paternity of a child born out of wedlock signed by both parents; ~~or,~~

5 ~~(2)~~ 2. Upon receipt of a certified copy of a court order
6 establishing paternity, or

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

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

12 ~~(1)~~ 1. To the specified surname upon receipt of acknowledgment
13 of paternity signed by both parents or upon receipt of a certified
14 copy of a court order directing such name be changed or upon receipt
15 of an electronic record from the Department of Human Services
16 indicating that an acknowledgment or order directs such name change.

17 Such certificate amended pursuant to this subsection shall not be
18 marked "amended"; or

19 ~~(2)~~ 2. To the surname of the mother on the birth certificate in
20 the event the acknowledgment of paternity is rescinded.

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

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

4 Section 1-323. A. To protect the integrity of vital statistics
5 records, to insure their proper use, and to insure the efficient and
6 proper administration of the vital statistics system, it shall be
7 unlawful for any person to permit inspection of, or to disclose
8 information contained in, vital statistics records, or to copy or
9 issue a copy of all or part of any such record except to the person
10 who is the subject of the record or in such person's interest unless
11 ordered to do so by a court of competent jurisdiction; provided that
12 death certificates shall be considered publicly available records
13 seventy-five (75) years after the death and birth certificates shall
14 be considered publicly available records one hundred twenty-five
15 (125) years after the birth. Certified copies of birth certificates
16 and death certificates shall be provided without cost and without a
17 court order to the Attorney General or to any district attorney upon
18 request in the course of a criminal investigation.

19 B. 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 C. 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 D. 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.

1 E. Each month, the State Department of Health shall transmit to
2 the Department of Human Services a certified electronic list of all
3 registered deaths of residents of this state that have occurred
4 within the state for the immediately preceding month. The
5 Department of Human Services shall use the transmitted list to
6 ascertain the names of those individuals participating in any
7 program administered by the Department of Human Services who are
8 deceased and shall thereafter take appropriate action in the
9 program.

10 F. Each month, the State Department of Health shall transmit to
11 the Department of Human Services a record of all registered births
12 that have occurred within the state for the immediately preceding
13 month. The Department of Human Services shall use such records for
14 the purpose of assisting in the administration of programs related
15 to children, including but not limited to child welfare, adoptions,
16 child care, child support and central paternity registry. The
17 Department of Human Services shall be required to protect the
18 integrity of vital statistics records to the same extent required of
19 the State Department of Health pursuant to the provisions of Section
20 1-323 of Title 63 of the Oklahoma Statutes.

21 G. For the purpose of assisting in the location and recovery of
22 missing children, information pertaining to birth certificates and
23 requests for copies of birth certificates shall be provided to the
24 Oklahoma State Bureau of Investigation pursuant to the provisions of

1 Section 1-323.1 of this title and Section 150.12A of Title 74 of the
2 Oklahoma Statutes.

3 ~~F.~~ H. The Commissioner shall authorize the transmission of
4 death certificates to the Department of Labor for the purpose of the
5 Department of Labor conducting a census of total occupational
6 injuries and illnesses. The Department shall transmit to the
7 Department of Labor statistics of fatal occupational injuries that
8 shall include the following:

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

19 ~~H.~~ I. The Department of Labor shall be required to protect the
20 integrity of the vital statistics records to the same extent
21 required of the Department pursuant to this section.

22 SECTION 7. This act shall become effective November 1, 2015.
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