

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 551

By: Newberry of the Senate

4 and

5 Dunlap of the House

6
7
8 AS INTRODUCED

9 An Act relating to death certificates; amending 63
10 O.S. 2011, Section 1-317, as amended by Section 1,
Chapter 70, O.S.L. 2016 (63 O.S. Supp. 2016, Section
11 1-317), which relates to filings; requiring certain
persons to submit certain information on death
12 certificates; amending 63 O.S. 2011, Section 1-324.1,
which relates to prohibited acts; specifying
13 statutory reference; designating certain acts as
unprofessional conduct; providing certain
14 construction; providing for codification; and
providing an effective date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-317, as
19 amended by Section 1, Chapter 70, O.S.L. 2016 (63 O.S. Supp. 2016,
20 Section 1-317), is amended to read as follows:

21 Section 1-317. A. A death certificate for each death which
22 occurs in this state shall be filed with the State Department of
23 Health, within three (3) days after such death.

1 B. The funeral director shall personally sign the death
2 certificate and shall be responsible for filing the death
3 certificate. If the funeral director is not available, the person
4 acting as such who first assumes custody of a dead body in
5 accordance with Section 1158 of Title 21 of the Oklahoma Statutes
6 shall personally sign and file the death certificate. The personal
7 data shall be obtained from the next of kin or the best qualified
8 person or source available. The certificate shall be completed as
9 to personal data and delivered to the attending physician or the
10 medical examiner responsible for completing the medical
11 certification portion of the certificate of death within twenty-four
12 (24) hours after the death. No later than July 1, 2012, the
13 personal data, and no later than July 1, 2017, the medical
14 certificate portion, shall be entered into the prescribed electronic
15 system provided by the State Registrar of Vital Statistics and the
16 information submitted to the State Registrar of Vital Statistics.
17 The resultant certificate produced by the electronic system shall be
18 provided to the physician or medical examiner for medical
19 certification within twenty-four (24) hours after the death.

20 C. The medical certification shall be completed and signed
21 within forty-eight (48) hours after death by the physician in charge
22 of the patient's care for the illness or condition which resulted in
23 death, except when inquiry as to the cause of death is required by
24 Section 938 of this title.

1 D. In the event that the physician in charge of the patient's
2 care for the illness or condition which resulted in death is not in
3 attendance at the time of death, the medical certification shall be
4 completed and signed within forty-eight (48) hours after death by
5 the physician in attendance at the time of death, except:

6 1. When the patient is under hospice care at the time of death,
7 the medical certification may be signed by the hospice's medical
8 director; and

9 2. When inquiry as to the cause of death is required by Section
10 938 of this title.

11 Provided, that such certification, if signed by other than the
12 attending physician, shall note on the face the name of the
13 attending physician and that the information shown is only as
14 reported.

15 E. A certifier completing cause of death on a certificate of
16 death who knows that a lethal drug, overdose, or other means of
17 assisting suicide or suicide within the meaning of Sections 3141.2
18 through 3141.4 of this title, caused or contributed to the death,
19 must list that means among the chain of events under cause of death
20 or list it under significant conditions contributing to death, and
21 if such means is in the chain of events under cause of death, must
22 indicate "suicide" as the manner of death.

23 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-324.1, is
24 amended to read as follows:

1 Section 1-324.1. A. It shall be unlawful for any person to
2 commit any of the following specified acts in relation to birth,
3 death or stillbirth certificates issued by this state:

4 1. Create, issue, present or possess a fictitious birth, death
5 or stillbirth certificate;

6 2. Apply for a birth, death or stillbirth certificate under
7 false pretenses;

8 3. Alter information contained on a birth, death or stillbirth
9 certificate;

10 4. Obtain, display or represent a birth certificate of any
11 person as one's own by any person, other than the person named on
12 the birth certificate;

13 5. Obtain, display or represent a fictitious death or
14 stillbirth certificate for the purpose of fraud;

15 6. Make a false statement or knowingly conceal a material fact
16 or otherwise commit fraud in an application for a birth, death or
17 stillbirth certificate; or

18 7. Knowingly presenting a false or forged certificate for
19 filing.

20 B. Except as otherwise provided in ~~subsection C of this section~~
21 the last sentence of this subsection, it is a felony for any
22 employee or person authorized to issue or create a birth, death or
23 stillbirth certificate or related record under this title to
24 knowingly issue such certificate or related record to a person not

1 entitled thereto, or to knowingly create or record such certificate
2 bearing erroneous information thereon. A certifier who knowingly
3 omits to list a lethal agent or improperly states manner of death in
4 violation of subsection E of Section 1-317 of this title shall be
5 deemed to have engaged in unprofessional conduct under subsection 8
6 of Section 509 of Title 59 of the Oklahoma Statutes.

7 C. A Except as otherwise provided in subsection B of this
8 section, a violation of any of the provisions of this section shall
9 constitute a felony.

10 D. Notwithstanding any provision of this section, the State
11 Commissioner of Health or a designated agent, upon the request of a
12 chief administrator of a health or law enforcement agency, may
13 authorize the issuance, display or possession of a birth, death or
14 stillbirth certificate, which would otherwise be in violation of
15 this section, for the sole purpose of education with regard to
16 public health or safety; provided, however, any materials used for
17 such purposes shall be marked "void".

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-324.3 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 Nothing in this act may be construed to alter the
22 confidentiality of death certificates or the prohibitions on
23 disclosure of their contents provided in Section 1-323 of Title 63
24 of the Oklahoma Statutes.

1 SECTION 4. This act shall become effective November 1, 2017.

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