

1 ENGROSSED HOUSE  
2 BILL NO. 1688

3 By: Roe of the House

4 and

5 Stanley of the Senate

6 An Act relating to vital records; amending 63 O.S.  
7 2021, Sections 1-301, 1-311, as last amended by  
8 Section 131, Chapter 452, O.S.L. 2024, 1-312, 1-  
9 315.1, 1-317, as last amended by Section 133, Chapter  
10 452, O.S.L. 2024, 1-317a, 1-318, 1-318.2, 1-319, 1-  
11 321, as amended by Section 4, Chapter 87, O.S.L.  
12 2022, 1-323, 1-329.1, (63 O.S. Supp. 2024, Sections  
1-311, 1-317, and 1-321), which relate to vital  
statistics; adding a definition; updating statutory  
references; clarifying corrections to birth  
certificates, death certificates, and fetal death  
certificates; providing an effective date; and  
declaring an emergency.

13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-301, is  
16 amended to read as follows:

17 Section 1-301. As used in this article:

18 1. "Vital statistics" means records of birth, death, fetal  
19 death and data related thereto;

20 2. "System of vital statistics" means the registration,  
21 collection, preservation, amendment and certification of vital  
22 statistics records, and activities related thereto, including the  
23

1 tabulation, analysis and publication of statistical data derived  
2 from such records;

3       3. "Filing" means the presentation of a certificate, report or  
4 other record provided for in this article, of a birth, death, fetal  
5 death or adoption, for registration by the ~~State~~ Commissioner of  
6 Health;

7       4. "Registration" means the acceptance by the ~~State~~  
8 Commissioner of Health and the incorporation in his or her official  
9 records of certificates, reports or other records provided for in  
10 this article, of births, deaths, fetal deaths or adoptions;

11       5. "Live birth" means the complete expulsion or extraction from  
12 the mother of a product of human conception, irrespective of the  
13 duration of pregnancy, which, after such expulsion or extraction,  
14 breathes or shows any other evidence of life such as beating of the  
15 heart, pulsation of the umbilical cord or definite movement of  
16 voluntary muscles, whether or not the umbilical cord has been cut or  
17 the placenta is attached;

18       6. "Stillbirth" or "stillborn child" means a fetal death;

19       7. "Certificate of birth resulting in stillbirth" means a  
20 certificate issued to memorialize a stillborn child;

21       8. "Fetal death" means death prior to the complete expulsion or  
22 extraction from its mother of a product of human conception after  
23 the fetus has advanced to or beyond the twelfth week of  
24 uterogestation. The death is indicated by the fact that, after such

1      expulsion or extraction, the fetus does not breathe or show any  
2      other evidence of life such as beating of the heart, pulsation of  
3      the umbilical cord or definite movement of voluntary muscles;

4      9. "Dead body" means an individual who is determined to be dead  
5      pursuant to the provisions of the Uniform Determination of Death  
6      Act;

7      10. "Final disposition" means the burial, interment, cremation,  
8      or other disposition of a dead body or fetus;

9      11. "Physician" means a person who is a member of the class of  
10     persons authorized to use the term "physician" pursuant to Section  
11     725.2 of Title 59 of the Oklahoma Statutes;

12     12. "Institution" means any establishment, public or private,  
13     which provides inpatient medical, surgical or diagnostic care or  
14     treatment, or nursing, custodial or domiciliary care, to two or more  
15     unrelated individuals, or to which persons are committed by law; and

16     13. "Disinterment" means the recovery of human remains by  
17     exhumation or disentombment. "Disinterment" does not include the  
18     raising and lowering of remains to accommodate two interments within  
19     a single grave and does not include the repositioning of an outside  
20     burial container that encroaches on adjoining burial space; and

21     14. "Minor correction" means fixing a scrivener's error,  
22     correcting an error in the spelling of a name or word of common  
23     knowledge, filling in an erroneous omission, deleting an erroneous  
24     addition, or something similar. To obtain a minor correction, an

1 | applicant shall provide clear and convincing evidence of an  
2 | objective error that was knowable at or near the time the  
3 | certificate was made.

4 | SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-311, as  
5 | last amended by Section 131, Chapter 452, O.S.L. 2024 (63 O.S. Supp.  
6 | 2024, Section 1-311), is amended to read as follows:

7 | Section 1-311. A. A certificate of birth for each live birth  
8 | which occurs in this state shall be filed with the ~~State Registrar~~  
9 | ~~of Vital Statistics, Commissioner of Health~~ within seven (7) days  
10 | after the birth.

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

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

20 | 1. The physician in attendance at or immediately after the  
21 | birth;

22 | 2. Any other person in attendance at or immediately after the  
23 | birth; or

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

4       D. 1. If the mother was married at the time of birth, or  
5 married at any time during the three hundred (300) calendar days  
6 before the birth, the name of the husband shall be entered on the  
7 certificate as the father of the child unless paternity has been  
8 determined otherwise by a court of competent jurisdiction or a  
9 husband's denial of paternity form has been filed along with an  
10 affidavit acknowledging paternity, in which case the name of the  
11 father as determined by the court or affidavit acknowledging  
12 paternity shall be entered. If there is a refusal to identify  
13 paternity on the birth certificate, the State Department of Health  
14 is authorized to register a birth certificate as such.

15       2. If the mother was not married at the time of birth, nor  
16 married at any time during the three hundred (300) calendar 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 agreed as to the biological  
24              paternity of the child and signed an acknowledgement

1                   acknowledgment of paternity pursuant to Section 1-  
2                   311.3 of this title, or substantially similar  
3                   affidavit from another state and filed it with the  
4                   State Registrar of Vital Statistics Commissioner of  
5                   Health.

6       This shall give the unmarried mother and biological father equal  
7       rights and obligations to the child. A child whose parentage has  
8       been determined as set forth shall be treated as a child of parents  
9       who were married at the time of the birth.

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 Department receives both a court order and a  
20     completed form prescribed by the State Registrar Department which  
21     identifies the various parties and documents the personal  
22     information of the intended parents necessary to complete the new  
23     birth certificate.

1       G. Beginning on ~~the effective date of this act~~ April 25, 2022,  
2       the biological sex designation on a certificate of birth issued  
3       under this section shall be either male or female and shall not be  
4       nonbinary or any symbol representing a nonbinary designation  
5       including but not limited to the letter "X".

6       SECTION 3.       AMENDATORY       63 O.S. 2021, Section 1-312, is  
7       amended to read as follows:

8       Section 1-312. ~~(a)~~ A. Whoever assumes the custody of a living  
9       infant of unknown parentage shall report, on a form and in the  
10      manner prescribed by the ~~State~~ Commissioner of Health within seven  
11      (7) days to the ~~State Registrar~~ Commissioner of Health, the  
12      following information:

13      ~~(1)~~ 1. ~~The~~ The date and place of finding-;  
14      ~~(2)~~ sex ~~2.~~ Sex, color or race, and approximate age of child-;  
15      ~~(3)~~ name ~~3.~~ Name and address of the persons or institution with  
16      whom the child has been placed for care-; and  
17      ~~(4)~~ and other ~~4.~~ Other data required by the Commissioner.

18      ~~(b)~~ B. The place where the child was found shall be entered as  
19      the place of birth and the date of birth shall be determined by  
20      approximation.

21      ~~(c)~~ C. A report registered under this section shall constitute  
22      the certificate of birth for the infant.

23      ~~(d)~~ D. If the child is identified and a certificate of birth is  
24      found or obtained, any report registered under this section shall be

1 sealed and filed and may be opened only by order of a court of  
2 competent jurisdiction.

3 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-315.1, is  
4 amended to read as follows:

5 Section 1-315.1. A. If a death certificate is required to  
6 settle a property or financial interest for a person who has  
7 allegedly died in this state twenty-five (25) years ago or longer,  
8 and the following determinations have been made:

9 1. The State ~~Registrar of Vital Statistics for this state~~  
10 Department of Health has confirmed that a death certificate is not  
11 on file with the ~~State Department of Health~~;

12 2. The ~~State Registrar of Vital Statistics Department~~ has  
13 determined ~~that all due diligence has been performed and the~~  
14 requirements of Section 1-317 of Title 63 of the Oklahoma Statutes  
15 this title requiring a death certificate to be filed cannot be met;  
16 and

17 3. The ~~State Registrar of Vital Statistics Department~~ has  
18 determined ~~that all due diligence has been performed and the~~  
19 requirements of Section 1-314 of Title 63 of the Oklahoma Statutes  
20 this title for the filing of a delayed death certificate cannot be  
21 met; then a verified petition may be filed with the district court  
22 of the county where the death allegedly occurred for an order  
23 establishing a judicial record of death.

24 B. The verified petition shall contain the following:

1       1. The full legal name of the person who is allegedly deceased;  
2       2. The date and place of birth of the decedent;  
3       3. The age of the decedent;  
4       4. The date and place of the death of the decedent;  
5       5. The property or financial interest to be resolved;  
6       6. The determinations of the ~~State Registrar of Vital~~  
7       Statistics Department as required in paragraphs 2 and 3 of  
8       subsection A of this section; and  
9       7. Other facts deemed pertinent, which include, but are not  
10      limited to, the parents or spouse of the decedent.

11      C. Upon the filing of the verified petition, the office of the  
12      court clerk for the county where the petition is filed shall give  
13      the petition a number in the probate files of the county. Notice of  
14      the verified petition shall be made upon the State Department of  
15      Health and published once in a newspaper of general circulation in  
16      the county where the petition is filed.

17      D. Based on the verified petition, all the evidence the  
18      applicant has in his or her possession such as personal testimony,  
19      affidavits or records and determinations of the ~~State Registrar of~~  
20      Vital Statistics Department as required in paragraphs 2 and 3 of  
21      subsection A of this section, the court may enter an order:

- 22       1. Establishing the full legal name of the individual who is  
23      deceased;  
24       2. The date and place of the birth of the decedent;

1           3. The age of the decedent;  
2           4. The date and place where the death occurred;  
3           5. The property or financial interest that is resolved; and  
4           6. Other facts deemed pertinent by the court and as set forth  
5 in the verified petition.

6           Said order shall be final and conclusive of all the facts  
7 therein adjudged.

8           E. A certified copy of the order shall be filed with the State  
9 Department of Health, and a certified copy thereof shall be issued  
10 by the State Department of Health in the same manner as certificates  
11 of death.

12          F. Issuance of a certified copy of the order filed with the  
13 State Department of Health pursuant to this section shall satisfy  
14 any and all requirements set forth in any statute requiring a death  
15 certificate or order of any court requiring the issuance of a death  
16 certificate.

17          SECTION 5.       AMENDATORY       63 O.S. 2021, Section 1-317, as  
18 last amended by Section 133, Chapter 452, O.S.L. 2024 (63 O.S. Supp.  
19 2024, Section 1-317), is amended to read as follows:

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

23          B. The funeral director shall personally sign the death  
24 certificate and shall be responsible for filing the death

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

22 C. The medical certification shall be completed and signed  
23 within forty-eight (48) hours after death by the physician,  
24 physician assistant, or advanced practice registered nurse in charge

1 of the patient's care for the illness or condition which resulted in  
2 death, except when inquiry as to the cause of death is required by  
3 Section 938 of this title. No later than July 1, 2017, the medical  
4 certification portion of certificate data shall be entered into the  
5 prescribed electronic system provided by the ~~State Registrar of~~  
6 ~~Vital Statistics Department~~ and the information submitted to the  
7 ~~State Registrar of Vital Statistics Department~~.

8 D. In the event that the physician, physician assistant, or  
9 advanced practice registered nurse in charge of the patient's care  
10 for the illness or condition which resulted in death is not in  
11 attendance at the time of death, the medical certification shall be  
12 completed and signed within forty-eight (48) hours after death by  
13 the physician, physician assistant, or advanced practice registered  
14 nurse in attendance at the time of death, except:

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

18 2. When inquiry as to the cause of death is required by Section  
19 938 of this title.

20 Provided, that such certification, if signed by other than the  
21 attending physician, physician assistant, or advanced practice  
22 registered nurse, shall note on the face the name of the attending  
23 physician, physician assistant, or advanced practice registered  
24 nurse and that the information shown is only as reported.

1       E. A certifier completing cause of death on a certificate of  
2 death who knows that a lethal drug, overdose or other means of  
3 assisting suicide within the meaning of Sections 3141.2 through  
4 3141.4 of this title caused or contributed to the death shall list  
5 that means among the chain of events under cause of death or list it  
6 in the box that describes how the injury occurred. If such means is  
7 in the chain of events under cause of death or in the box that  
8 describes how the injury occurred, the certifier shall indicate  
9 "suicide" as the manner of death.

10      F. The authority of a physician assistant to carry out the  
11 functions described in this section shall be governed by the  
12 practice agreement as provided by Section 519.6 of Title 59 of the  
13 Oklahoma Statutes.

14      SECTION 6.     AMENDATORY       63 O.S. 2021, Section 1-317a, is  
15 amended to read as follows:

16      Section 1-317a. A. The State ~~Registrar of Vital Statistics~~  
17 Department of Health shall make available to all funeral directors  
18 and physicians licensed in this state a system to electronically  
19 capture the required information and file the prescribed death  
20 certificate with the State Department of Health. Access to the  
21 prescribed electronic system shall be provided to registered users  
22 at no cost.

23      B. Funeral directors and physicians shall be registered with  
24 the ~~State Registrar of Vital Statistics~~ Department prior to using

1 the prescribed electronic system. The ~~State Registrar of Vital~~  
2 ~~Statistics Department~~ shall provide such registration at no cost.

3 C. Registration shall be updated at least annually to maintain  
4 access to the prescribed system and shall include training on any  
5 changes or updates to the prescribed system or associated forms.

6 Funeral directors licensed in this state shall be trained on the use  
7 of the prescribed electronic system to file personal data on the  
8 prescribed death certificate. Physicians licensed in this state  
9 shall be trained on the use of the prescribed electronic system to  
10 complete, sign, and file the medical certification on the prescribed  
11 death certificate. The ~~State Registrar of Vital Statistics~~  
12 Department shall provide the required training at no cost.

13 D. No later than July 1, 2012, funeral directors licensed in  
14 this state shall be required to sign and file death certificates  
15 using the prescribed electronic system.

16 E. No later than July 1, 2017, physicians licensed in this  
17 state shall be required to sign and file death certificates using  
18 the prescribed electronic system.

19 SECTION 7. AMENDATORY 63 O.S. 2021, Section 1-318, is  
20 amended to read as follows:

21 Section 1-318. (a) A. A fetal death certificate for each fetal  
22 death which occurs in this state shall be filed with the State  
23 ~~Registrar~~ Department of Health, within three (3) days after such  
24 delivery.

1       **(b) B.** The funeral director or person acting as such who first  
2 assumes custody of a fetus shall file the fetal death certificate.  
3 In the absence of such a person, the physician or other person in  
4 attendance at or after the delivery shall file the certificate of  
5 fetal death. He or she shall obtain the personal data from the next  
6 of kin or the best qualified person or source available. He or she  
7 shall complete the certificate as to personal data and deliver the  
8 certificate to that person responsible for completing the medical  
9 certification of cause of death within twenty-four (24) hours after  
10 delivery.

11       **(c) C.** The medical certification shall be completed and signed  
12 within forty-eight (48) hours after delivery by the physician in  
13 attendance at or after delivery, except when inquiry into the cause  
14 of death is required by Section 938 of this title.

15 SECTION 8.       AMENDATORY       63 O.S. 2021, Section 1-318.2, is  
16 amended to read as follows:

17       Section 1-318.2. The ~~State Registrar of Vital Statistics~~  
18 Commissioner of Health shall establish a certificate of birth  
19 resulting in stillbirth to be offered to the parent or parents of a  
20 stillborn child. The medical staff treating the stillbirth shall  
21 notify the parent of the ability to request the certificate. The  
22 certificate shall be available to any parent of a stillborn child  
23 upon proper application. This certificate shall not be used as  
24 evidence of live birth or for identification purposes.

1 SECTION 9. AMENDATORY 63 O.S. 2021, Section 1-319, is  
2 amended to read as follows:

3 Section 1-319. A. A burial transit permit issued under the  
4 laws of another state which accompanies a dead body or fetus brought  
5 into this state shall be authority for final disposition of the body  
6 or fetus in this state.

7 B. A disinterment permit shall be required prior to  
8 disinterment of a dead body or fetus except as authorized by  
9 regulation or otherwise provided by law. Such permit shall be  
10 issued by the ~~State Registrar of Vital Records~~ Commissioner of  
11 Health to a licensed funeral director, embalmer, or other person  
12 acting as such, upon proper application.

13 C. Application for a disinterment shall include the consent of  
14 the next of kin. The consent of the next of kin shall be completed  
15 by the next of kin in order of priority as established in Section  
16 1158 of Title 21 of the Oklahoma Statutes.

17 D. If the dead body or fetus is to be disinterred and  
18 reinterred in the same cemetery, a disinterment permit is not  
19 required.

20 E. If the dead body or fetus is to be disinterred and  
21 reinterred in the same cemetery, a notice of disinterment and  
22 reinterment shall be completed, signed by the funeral director and  
23 the next of kin, and then submitted to the ~~State Registrar of Vital~~

1   Records at the State Department of Health within five (5) days of  
2   such action.

3           F. The forms for the Disinterment Permit and Notice of  
4   Disinterment and Reinterment shall be obtained from the ~~State~~  
5   Registrar of Vital Records Department.

6       SECTION 10.   AMENDATORY       63 O.S. 2021, Section 1-321, as  
7   amended by Section 4, Chapter 87, O.S.L. 2022 (63 O.S. Supp. 2024,  
8   Section 1-321), is amended to read as follows:

9           Section 1-321. A. A certificate or record registered under  
10   this article may be amended only in accordance with this article and  
11   regulations thereunder adopted by the ~~State~~ Commissioner of Health  
12   to protect the integrity and accuracy of vital statistics records.

13          B. A certificate that is amended under this section shall be  
14   marked "amended", except as provided in subsection D of this  
15   section. The date of amendment and a summary description of the  
16   evidence submitted in support of the amendment shall be endorsed on  
17   or made a part of the record.

18   The Commissioner shall prescribe by regulation the conditions under  
19   which additions or minor corrections shall be made to birth  
20   certificates within one (1) year after the date of birth without the  
21   certificate being considered as amended. Certificates shall be  
22   marked as "amended" for minor corrections made one (1) year after  
23   the date of birth.

1       C. Upon receipt of a certified copy of a court order, from a  
2 court of competent jurisdiction, changing the name of a person born  
3 in this state and upon request of such person or his or her 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. When a child is born out of wedlock, the Commissioner shall  
7 amend a certificate of birth to show paternity, if paternity is not  
8 currently shown on the birth certificate, in the following  
9 situations:

10       1. Upon request and receipt of a sworn acknowledgment of  
11 paternity of a child born out of wedlock signed by both parents;

12       2. Upon receipt of a certified copy of a court order  
13 adjudicating paternity; or

14       3. Upon receipt of an electronic record from the Department of  
15 Human Services indicating that an ~~acknowledgement~~ acknowledgment of  
16 paternity has been signed by both parents or a court order  
17 adjudicating paternity.

18       E. For a child born out of wedlock, the Commissioner shall also  
19 change the surname of the child on the certificate:

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

1 been signed by both parents or a court order directs such name  
2 change. Such certificate amended pursuant to this subsection shall  
3 not be marked "amended"; or

4       2. To the surname of the mother on the birth certificate in the  
5 event the acknowledgment of paternity is rescinded.

6       F. The Commissioner shall have the power and duty to promulgate  
7 rules for situations in which the ~~State Registrar of Vital~~  
8 Statistics Department receives false information regarding the  
9 identity of a parent.

10     G. If within ~~sixty (60) days~~ one (1) year of the initial  
11 issuance of a certificate of death, a funeral director, or a person  
12 acting as such, requests a correction to any portion of the death  
13 record except the information relating to the medical certification  
14 portion, due to a scrivener's error, misspelling or other correction  
15 of information, the Commissioner of Health, through the State  
16 Registrar of Vital Statistics, shall amend the record, provided the  
17 request is made in writing or through an electronic system and is  
18 accompanied by documentation disclosing the correct information or  
19 by a sworn statement of the funeral director. The funeral director,  
20 or person acting as such, shall be responsible for any and all  
21 amendment fees that may be imposed by the Commissioner of Health for  
22 the correction. Up to ten certified copies containing the erroneous  
23 original information may be exchanged for certified copies  
24 containing the corrected information at no additional cost.

1       H. Beginning ~~on the effective date of this act~~ April 26, 2022,  
2       the biological sex designation on a certificate of birth amended  
3       under this section shall be either male or female and shall not be  
4       nonbinary or any symbol representing a nonbinary designation  
5       including but not limited to the letter "X".

6       SECTION 11.      AMENDATORY      63 O.S. 2021, Section 1-323, is  
7       amended to read as follows:

8           Section 1-323. A. To protect the integrity of vital statistics  
9       records, to ensure their proper use, and to ensure the efficient and  
10      proper administration of the vital statistics system, it shall be  
11      unlawful for any person to permit inspection of, or to disclose  
12      information contained in, vital statistics records, or to copy or  
13      issue a copy of all or part of any such record except to:

14           1. The person who is the subject of the record;

15           2. A parent named on the record or a person acting with the  
16      parent's permission unless that parent is currently incarcerated;

17           3. Someone acting with permission of the person who is the  
18      subject of the record;

19           4. Someone acting as a legal representative of the estate of  
20      the person who is the subject of the record;

21           5. Someone acting as a legal representative of a person  
22      involved in a probate of the estate of the person who is the subject  
23      of the record, as demonstrated by affidavit;

1       6. An attorney licensed to practice in the United States who  
2 demonstrates by affidavit that the record is necessary in order to  
3 administer a client's estate;

4       7. Someone in receipt of a court order from a court of  
5 competent jurisdiction ordering access to the record;

6       8. The Attorney General or to any district attorney upon  
7 request in the course of a criminal investigation;

8       9. Only in the case of a death certificate, a funeral director;

9       10. A representative of the Department of Corrections, when the  
10 subject of the record is under supervision of the Department of  
11 Corrections;

12       11. A representative of the Department of Human Services acting  
13 in accordance with Section 1-311.2 of this title; or

14       12. Any other person working in the best interest of the  
15 subject of the record or the estate of the subject of record, as  
16 determined by regulations of the ~~State~~ Commissioner of Health.

17       Provided, that death certificates shall be considered publicly  
18 available records fifty (50) years after the death and birth  
19 certificates shall be considered publicly available records one  
20 hundred twenty-five (125) years after the birth.

21       B. The State Department of Health shall, by July 1, 2017, make  
22 available an online public index that includes, as is applicable,  
23 the name, gender, date of birth, date of death, county of birth, and  
24 county of death of all persons in its records. Birth data shall not

1 be added to the index until twenty (20) years after the birth.  
2 Death data shall not be added to the index until five (5) years  
3 after the death. The index shall be made available online at no  
4 cost to users.

5 Private entities may request assistance from the Department in  
6 receiving digital files including all or part of the index described  
7 in this subsection. Such private entities may be assessed a fee  
8 that shall not exceed the cost of creating and transmitting the  
9 digital file. The Commissioner may promulgate rules regarding  
10 access to such digital files and applicable fees.

11 C. The Department may grant applications for electronic  
12 verification of the existence of birth and death certificates for  
13 legal and administrative purposes at any time following the birth or  
14 death when such applications are made by:

15 1. A government agency in conduct of its official business;

16 2. A benefit-paying party including but not limited to an  
17 annuity company, pension plan or life insurance company in order to  
18 determine benefit status;

19 3. A physician licensed to practice in the United States to  
20 determine if a patient has been lost to care; or

21 4. Other entities for fraud protection, subject to verification  
22 of the entity's purpose by the Department.

1       The recipient of a record verification, as provided for in this  
2 subsection, may not disclose to a party not involved in the issue  
3 for which the verification was sought.

4       The Department may charge up to Four Dollars (\$4.00) for each  
5 electronic birth or death verification, although such fee may be  
6 waived when such request is received by an Oklahoma state or local  
7 government agency. The recipient of a record verification, as  
8 provided for in this subsection, may also be subject to fees levied  
9 by a contractor retained by the Commissioner to provide such  
10 service.

11       The Commissioner may promulgate rules necessary to implement the  
12 provisions of this subsection.

13       D. The State Commissioner of Health may authorize the  
14 disclosure of data contained in vital statistics records for public  
15 health surveillance or research purposes.

16       E. The State Department of Health shall transmit to the  
17 Department of Public Safety:

18       1. At the end of each quarter year, a list of all registered  
19 deaths which have occurred during such period of time. Upon receipt  
20 of such list the Department of Public Safety shall use such list  
21 solely to update Department of Public Safety records and to cancel  
22 the driver license for those deceased individuals with a valid  
23 Oklahoma driver license at the time of death;

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

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

10      F. Each month, the Commissioner shall authorize the  
11 transmission to the Oklahoma Health Care Authority of a certified  
12 list of all registered deaths of residents of this state that have  
13 occurred within the state for the immediately preceding month. The  
14 Oklahoma Health Care Authority shall use the transmitted list to  
15 ascertain the names of those individuals participating in the state  
16 Medicaid program who are deceased, and shall thereafter terminate  
17 such deceased person's enrollment in the state Medicaid program.

18      G. For the purpose of assisting in the location and recovery of  
19 missing children, information pertaining to birth certificates and  
20 requests for copies of birth certificates shall be provided to the  
21 Oklahoma State Bureau of Investigation pursuant to the provisions of  
22 Section 1-323.1 of this title and Section 150.12A of Title 74 of the  
23 Oklahoma Statutes.

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

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

17       I. The Department of Labor shall be required to protect the  
18 integrity of the vital statistics records to the same extent  
19 required of the Department pursuant to this section.

20       SECTION 12.     AMENDATORY     63 O.S. 2021, Section 1-329.1, is  
21 amended to read as follows:

22       Section 1-329.1. Until a permit for disposal has been issued in  
23 accordance with this section, no dead human body whose death  
24 occurred within the State of Oklahoma shall be cremated, buried at

1 sea, or made unavailable for further pathologic study by other  
2 recognized means of destruction or dissolution of such remains.

3       When the person legally responsible for disposition of a dead  
4 human body, whose death occurred or was pronounced within this  
5 state, desires that the body be cremated, buried at sea, or made  
6 unavailable for further pathologic study by other recognized means  
7 of destruction or dissolution of such remains, that person shall  
8 complete an application-permit form for such procedure provided by  
9 the Office of the Chief Medical Examiner. The Office of the Chief  
10 Medical Examiner, in accordance with Section 948.1 of this title,  
11 shall charge a fee for each cremation permit issued. The Medical  
12 Examiner shall be notified, as required in Section 938 of this  
13 title. He or she shall perform the required investigation and shall  
14 issue a valid death certificate as required by Section 947 of this  
15 title and execute the permit in accordance with rules established by  
16 the Office of the Chief Medical Examiner. In order to be valid,  
17 each permit must contain an individual number assigned to the  
18 particular permit by the Office of the Chief Medical Examiner. A  
19 copy of the application-permit form and the original death  
20 certificate shall be filed with the State Registrar Department of  
21 Health. The original application-permit form shall be filed by the  
22 funeral director with the Office of the Chief Medical Examiner.  
23 Such filing shall occur or be postmarked within forty-eight (48)  
24 hours of the death.

1       If death occurred or was pronounced outside the geographic  
2 limits of the State of Oklahoma and the body is brought into this  
3 state for such disposal, a transit permit or a permit for removal,  
4 issued in accordance with the laws and regulations in force where  
5 the death occurred shall authorize the transportation of the body  
6 into or through this state and shall be accepted in lieu of a  
7 certificate of death as required above. A valid permit issued for  
8 disposal of such body in accordance with the laws in the  
9 jurisdiction where the body died or death was pronounced shall be  
10 authority for cremation or burial at sea or to make the body  
11 otherwise unavailable for further pathologic study by other  
12 recognized means of destruction or dissolution of such remains.

13       SECTION 13. This act shall become effective July 1, 2025.

14       SECTION 14. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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Passed the House of Representatives the 13th day of March, 2025.

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Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2025.

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Presiding Officer of the Senate