

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 108

By: Stanislawski of the Senate

and

6 Roberts (Sean) of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; creating  
11 the Death Certificate Accuracy Act; amending  
12 63 O.S. 2011, Section 1-317, as last amended by  
13 Section 25, Chapter 42, O.S.L. 2017 (63 O.S. Supp.  
14 2018, Section 1-317), which relates to death  
15 certificates; requiring certifier who has knowledge  
16 of certain information relating to death to list  
17 means under cause of death; amending 63 O.S. 2011,  
18 Section 1-324.1, which relates to prohibited acts;  
19 providing that certifier who knowingly omits certain  
20 information shall have engaged in unprofessional  
21 conduct; providing for certain construction;  
22 providing for codification; and providing an  
23 effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1-316b of Title 63, unless there  
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Death  
Certificate Accuracy Act".

1 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-317, as  
2 last amended by Section 25, Chapter 42, O.S.L. 2017 (63 O.S. Supp.  
3 2018, Section 1-317), is amended to read as follows:

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

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

3 C. The medical certification shall be completed and signed  
4 within forty-eight (48) hours after death by the physician in charge  
5 of the patient's care for the illness or condition which resulted in  
6 death, except when inquiry as to the cause of death is required by  
7 Section 938 of this title. No later than July 1, 2017, the medical  
8 certification portion of certificate data shall be entered into the  
9 prescribed electronic system provided by the State Registrar of  
10 Vital Statistics and the information submitted to the State  
11 Registrar of Vital Statistics.

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

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

20 2. When inquiry as to the cause of death is required by Section  
21 938 of this title.

22 Provided, that such certification, if signed by other than the  
23 attending physician, shall note on the face the name of the  
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1 attending physician and that the information shown is only as  
2 reported.

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

12 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-324.1, is  
13 amended to read as follows:

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

17 1. Create, issue, present or possess a fictitious birth, death  
18 or stillbirth certificate;

19 2. Apply for a birth, death or stillbirth certificate under  
20 false pretenses;

21 3. Alter information contained on a birth, death or stillbirth  
22 certificate;

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

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

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

9 7. Knowingly ~~presenting~~ present a false or forged certificate  
10 for filing.

11 B. Except as otherwise provided in this subsection ~~C of this~~  
12 ~~section~~, it is a felony for any employee or person authorized to  
13 issue or create a birth, death or stillbirth certificate or related  
14 record under this title to knowingly issue such certificate or  
15 related record to a person not entitled thereto, or to knowingly  
16 create or record such certificate bearing erroneous information  
17 thereon. A certifier who knowingly omits to list a lethal agent or  
18 improperly states manner of death in violation of subsection E of  
19 Section 1-317 of this title shall be deemed to have engaged in  
20 unprofessional conduct as described in paragraph 8 of Section 509 of  
21 Title 59 of the Oklahoma Statutes.

22 C. A Except as otherwise provided in subsection B of this  
23 section, a violation of any of the provisions of this section shall  
24 constitute a felony.

1 D. Notwithstanding any provision of this section, the State  
2 Commissioner of Health or a designated agent, upon the request of a  
3 chief administrator of a health or law enforcement agency, may  
4 authorize the issuance, display or possession of a birth, death or  
5 stillbirth certificate, which would otherwise be in violation of  
6 this section, for the sole purpose of education with regard to  
7 public health or safety; provided, however, any materials used for  
8 such purposes shall be marked "void".

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1-317b of Title 63, unless there  
11 is created a duplication in numbering, reads as follows:

12 Nothing in the Death Certificate Accuracy Act shall be construed  
13 to alter the confidentiality of death certificates or the  
14 prohibitions on disclosure of their contents provided for in Section  
15 1-323 of Title 63 of the Oklahoma Statutes.

16 SECTION 5. This act shall become effective November 1, 2019.

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