

1 ENGROSSED SENATE  
2 BILL NO. 108

By: Stanislawski of the Senate

3 and

4 Roberts (Sean) of the House

5  
6 An Act relating to public health and safety; creating  
7 the Death Certificate Accuracy Act; amending  
8 63 O.S. 2011, Section 1-317, as last amended by  
9 Section 25, Chapter 42, O.S.L. 2017 (63 O.S. Supp.  
10 2018, Section 1-317), which relates to death  
11 certificates; requiring certifier who has knowledge  
12 of certain information relating to death to list  
13 means under cause of death; amending 63 O.S. 2011,  
14 Section 1-324.1, which relates to prohibited acts;  
15 providing that certifier who knowingly omits certain  
16 information shall have engaged in unprofessional  
17 conduct; providing for certain construction;  
18 providing for codification; and providing an  
19 effective date.

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

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

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

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

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

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

23 C. The medical certification shall be completed and signed  
24 within forty-eight (48) hours after death by the physician 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 and the information submitted to the State  
7 Registrar of Vital Statistics.

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

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

16 2. When inquiry as to the cause of death is required by Section  
17 938 of this title.

18 Provided, that such certification, if signed by other than the  
19 attending physician, shall note on the face the name of the  
20 attending physician and that the information shown is only as  
21 reported.

22 E. A certifier completing cause of death on a certificate of  
23 death who knows that a lethal drug, overdose or other means of  
24 assisting suicide within the meaning of Sections 3141.2 through

1 3141.4 of this title caused or contributed to the death, shall list  
2 that means among the chain of events under cause of death or list it  
3 under significant conditions contributing to death, and if such  
4 means is in the chain of events under cause of death, shall indicate  
5 "suicide" as the manner of death.

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

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

11 1. Create, issue, present or possess a fictitious birth, death  
12 or stillbirth certificate;

13 2. Apply for a birth, death or stillbirth certificate under  
14 false pretenses;

15 3. Alter information contained on a birth, death or stillbirth  
16 certificate;

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

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

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

1           7. Knowingly ~~presenting~~ present a false or forged certificate  
2 for filing.

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

14           C. A Except as otherwise provided in subsection B of this  
15 section, a violation of any of the provisions of this section shall  
16 constitute a felony.

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

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

4 Nothing in the Death Certificate Accuracy Act shall be construed  
5 to alter the confidentiality of death certificates or the  
6 prohibitions on disclosure of their contents provided for in Section  
7 1-323 of Title 63 of the Oklahoma Statutes.

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

9 Passed the Senate the 25th day of February, 2019.

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Presiding Officer of the Senate

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13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2019.

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Presiding Officer of the House  
of Representatives

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