

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 108

By: Stanislawski of the Senate

and

Roberts (Sean) of the House

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10 COMMITTEE SUBSTITUTE

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

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:

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

3 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-317, as
4 last amended by Section 25, Chapter 42, O.S.L. 2017 (63 O.S. Supp.
5 2018, Section 1-317), is amended to read as follows:

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

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

1 The resultant certificate produced by the electronic system shall be
2 provided to the physician or medical examiner for medical
3 certification within twenty-four (24) hours after the death.

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

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

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

21 2. When inquiry as to the cause of death is required by Section
22 938 of this title.

23 Provided, that such certification, if signed by other than the
24 attending physician, shall note on the face the name of the

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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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/10/2019 -
19 DO PASS, As Amended.
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