

1 **SENATE FLOOR VERSION**

2 February 12, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 108

By: Stanislawski of the Senate

and

Roberts (Sean) of the House

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7  
8 **[ public health and safety - Death Certificate**  
9 **Accuracy Act - cause of death - unprofessional**  
10 **conduct - codification - effective date ]**

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

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

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

17 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-317, as  
18 last amended by Section 25, Chapter 42, O.S.L. 2017 (63 O.S. Supp.  
19 2018, 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 certificate shall be completed as  
7 to personal data and delivered to the attending physician or the  
8 medical examiner responsible for completing the medical  
9 certification portion of the certificate of death within twenty-four  
10 (24) hours after the death. No later than July 1, 2012, the  
11 personal data, and no later than July 1, 2017, the medical  
12 certificate portion, shall be entered into the prescribed electronic  
13 system provided by the State Registrar of Vital Statistics and the  
14 information submitted to the State Registrar of Vital Statistics.  
15 The resultant certificate produced by the electronic system shall be  
16 provided to the physician or medical examiner for medical  
17 certification within twenty-four (24) hours after the death.

18 C. The medical certification shall be completed and signed  
19 within forty-eight (48) hours after death by the physician in charge  
20 of the patient's care for the illness or condition which resulted in  
21 death, except when inquiry as to the cause of death is required by  
22 Section 938 of this title. No later than July 1, 2017, the medical  
23 certification portion of certificate data shall be entered into the  
24 prescribed electronic system provided by the State Registrar of

1 Vital Statistics and the information submitted to the State  
2 Registrar of Vital Statistics.

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

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

11 2. When inquiry as to the cause of death is required by Section  
12 938 of this title.

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

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

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

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

6 1. Create, issue, present or possess a fictitious birth, death  
7 or stillbirth certificate;

8 2. Apply for a birth, death or stillbirth certificate under  
9 false pretenses;

10 3. Alter information contained on a birth, death or stillbirth  
11 certificate;

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

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

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

20 7. Knowingly ~~presenting~~ present a false or forged certificate  
21 for filing.

22 B. Except as otherwise provided in this subsection ~~C of this~~  
23 ~~section~~, it is a felony for any employee or person authorized to  
24 issue or create a birth, death or stillbirth certificate or related

1 record under this title to knowingly issue such certificate or  
2 related record to a person not entitled thereto, or to knowingly  
3 create or record such certificate bearing erroneous information  
4 thereon. A certifier who knowingly omits to list a lethal agent or  
5 improperly states manner of death in violation of subsection E of  
6 Section 1-317 of this title shall be deemed to have engaged in  
7 unprofessional conduct as described in paragraph 8 of Section 509 of  
8 Title 59 of the Oklahoma Statutes.

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

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

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

23 Nothing in the Death Certificate Accuracy Act shall be construed  
24 to alter the confidentiality of death certificates or the

1 prohibitions on disclosure of their contents provided for in Section  
2 1-323 of Title 63 of the Oklahoma Statutes.

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

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
5 February 12, 2019 - DO PASS AS AMENDED  
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