

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1688 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Cynthia Roe _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1688

By: Roe

7
8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to vital records; amending 63 O.S.
10 2021, Sections 1-301, 1-311, as last amended by
11 Section 131, Chapter 452, O.S.L. 2024, 1-312, 1-
12 315.1, 1-317, as last amended by Section 133, Chapter
13 452, O.S.L. 2024, 1-317a, 1-318, 1-318.2, 1-319, 1-
14 321, as amended by Section 4, Chapter 87, O.S.L.
15 2022, 1-323, 1-329.1, (63 O.S. Supp. 2024, Sections
16 1-311, 1-317, and 1-321), which relates to vital
17 statistics; adding a definition; updating statutory
18 references; clarifying corrections to birth
19 certificates, death certificates, and fetal death
20 certificates; and providing an effective date.

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

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

24 Section 63-1-301. As used in this article:

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

1 2. "System of vital statistics" means the registration,
2 collection, preservation, amendment and certification of vital
3 statistics records, and activities related thereto, including the
4 tabulation, analysis and publication of statistical data derived
5 from such records;

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

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

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

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

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

24

- 1 8. "Fetal death" means death prior to the complete expulsion or
2 extraction from its mother of a product of human conception after
3 the fetus has advanced to or beyond the twelfth week of
4 uterogestation. The death is indicated by the fact that, after such
5 expulsion or extraction, the fetus does not breathe or show any
6 other evidence of life such as beating of the heart, pulsation of
7 the umbilical cord or definite movement of voluntary muscles;
- 8 9. "Dead body" means an individual who is determined to be dead
9 pursuant to the provisions of the Uniform Determination of Death
10 Act;
- 11 10. "Final disposition" means the burial, interment, cremation,
12 or other disposition of a dead body or fetus;
- 13 11. "Physician" means a person who is a member of the class of
14 persons authorized to use the term "physician" pursuant to Section
15 725.2 of Title 59 of the Oklahoma Statutes;
- 16 12. "Institution" means any establishment, public or private,
17 which provides inpatient medical, surgical or diagnostic care or
18 treatment, or nursing, custodial or domiciliary care, to two or more
19 unrelated individuals, or to which persons are committed by law; ~~and~~
- 20 13. "Disinterment" means the recovery of human remains by
21 exhumation or disentombment. "Disinterment" does not include the
22 raising and lowering of remains to accommodate two interments within
23 a single grave and does not include the repositioning of an outside
24 burial container that encroaches on adjoining burial space; and

1 14. "Minor correction" means the correction or amendment of
2 scrivener's errors, transposition of letters in names or words of
3 common knowledge, or the omission of biological information.

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
24

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

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

9 E. Either of the parents of the child shall sign the
10 certificate of live birth worksheet to attest to the accuracy of the
11 personal data entered thereon, in time to permit its filing within
12 the seven (7) days prescribed in this section.

13 F. If the live birth results from a process in which the
14 delivering mother was carrying the child of another woman by way of
15 a prearranged legal contract, the original birth certificate shall
16 be filed with the personal information of the woman who delivered
17 the child. A new birth certificate will be placed on file once the
18 State ~~Registrar~~ Department of Health receives both a court order and
19 a completed form prescribed by the ~~State Registrar~~ Department which
20 identifies the various parties and documents the personal
21 information of the intended parents necessary to complete the new
22 birth certificate.

23 G. Beginning on the effective date of this act, the biological
24 sex designation on a certificate of birth issued under this section

1 shall be either male or female and shall not be nonbinary or any
2 symbol representing a nonbinary designation including but not
3 limited to the letter "X".

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

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

11 (1) the date and place of finding.

12 (2) sex, color or race, and approximate age of child.

13 (3) name and address of the persons or institution
14 with whom the child has been placed for care.

15 (4) and other data required by the Commissioner.

16 (b) The place where the child was found shall be entered as the
17 place of birth and the date of birth shall be determined by
18 approximation.

19 (c) A report registered under this section shall constitute the
20 certificate of birth for the infant.

21 (d) If the child is identified and a certificate of birth is
22 found or obtained, any report registered under this section shall be
23 sealed and filed and may be opened only by order of a court of
24 competent jurisdiction.

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

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

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

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

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

21 B. The verified petition shall contain the following:

- 22 1. The full legal name of the person who is allegedly deceased;
23 2. The date and place of birth of the decedent;
24 3. The age of the decedent;

1 4. The date and place of the death of the decedent;

2 5. The property or financial interest to be resolved;

3 6. The determinations of the State ~~Registrar of Vital~~
4 ~~Statistics~~ Department of Health as required in paragraphs 2 and 3 of
5 subsection A of this section; and

6 7. Other facts deemed pertinent, which include, but are not
7 limited to, the parents or spouse of the decedent.

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

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

19 1. Establishing the full legal name of the individual who is
20 deceased;

21 2. The date and place of the birth of the decedent;

22 3. The age of the decedent;

23 4. The date and place where the death occurred;

24 5. The property or financial interest that is resolved; and

1 6. Other facts deemed pertinent by the court and as set forth
2 in the verified petition.

3 Said order shall be final and conclusive of all the facts
4 therein adjudged.

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

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

14 SECTION 5. AMENDATORY 63 O.S. 2021, Section 1-317, as
15 last amended by Section 133, Chapter 452, O.S.L. 2024 (63 O.S. Supp.
16 2024, Section 1-317), is amended to read as follows:

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

20 B. The funeral director shall personally sign the death
21 certificate and shall be responsible for filing the death
22 certificate. If the funeral director is not available, the person
23 acting as such who first assumes custody of a dead body in
24 accordance with Section 1158 of Title 21 of the Oklahoma Statutes

1 shall personally sign and file the death certificate. The personal
2 data shall be obtained from the next of kin or the best qualified
3 person or source available. The funeral director or person acting
4 as such shall notify the person providing the personal data that it
5 is a felony to knowingly provide false data or misrepresent any
6 person's relationship to the decedent. The certificate shall be
7 completed as to personal data and delivered to the attending
8 physician or the medical examiner responsible for completing the
9 medical certification portion of the certificate of death within
10 twenty-four (24) hours after the death. No later than July 1, 2012,
11 the 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~~
14 Department of Health and the information submitted to the ~~State~~
15 ~~Registrar of Vital Statistics~~ Department. The resultant certificate
16 produced by the electronic system shall be provided to the physician
17 or medical examiner for medical certification within twenty-four
18 (24) hours after the death.

19 C. The medical certification shall be completed and signed
20 within forty-eight (48) hours after death by the physician,
21 physician assistant, or advanced practice registered nurse in charge
22 of the patient's care for the illness or condition which resulted in
23 death, except when inquiry as to the cause of death is required by
24 Section 938 of this title. No later than July 1, 2017, the medical

1 certification portion of certificate data shall be entered into the
2 prescribed electronic system provided by the State ~~Registrar of~~
3 ~~Vital Statistics~~ Department of Health and the information submitted
4 to the ~~State Registrar of Vital Statistics~~ Department.

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

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

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

17 Provided, that such certification, if signed by other than the
18 attending physician, physician assistant, or advanced practice
19 registered nurse, shall note on the face the name of the attending
20 physician, physician assistant, or advanced practice registered
21 nurse and that the information shown is only as 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 in the box that describes how the injury occurred. If such means is
4 in the chain of events under cause of death or in the box that
5 describes how the injury occurred, the certifier shall indicate
6 "suicide" as the manner of death.

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

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

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

20 B. Funeral directors and physicians shall be registered with
21 the State ~~Registrar of Vital Statistics~~ Department of Health prior
22 to using the prescribed electronic system. The ~~State Registrar of~~
23 ~~Vital Statistics~~ Department shall provide such registration at no
24 cost.

1 C. Registration shall be updated at least annually to maintain
2 access to the prescribed system and shall include training on any
3 changes or updates to the prescribed system or associated forms.
4 Funeral directors licensed in this state shall be trained on the use
5 of the prescribed electronic system to file personal data on the
6 prescribed death certificate. Physicians licensed in this state
7 shall be trained on the use of the prescribed electronic system to
8 complete, sign, and file the medical certification on the prescribed
9 death certificate. ~~The State Registrar of Vital Statistics~~
10 Department shall provide the required training at no cost.

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

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

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

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

23 (b) The funeral director or person acting as such who first
24 assumes custody of a fetus shall file the fetal death certificate.

1 In the absence of such a person, the physician or other person in
2 attendance at or after the delivery shall file the certificate of
3 fetal death. He shall obtain the personal data from the next of kin
4 or the best qualified person or source available. He shall complete
5 the certificate as to personal data and deliver the certificate to
6 that person responsible for completing the medical certification of
7 cause of death within twenty-four (24) hours after delivery.

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

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

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

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

24

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

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

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

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

18 E. If the dead body or fetus is to be disinterred and
19 reinterred in the same cemetery, a notice of disinterment and
20 reinterment shall be completed, signed by the funeral director and
21 the next of kin, and then submitted to the ~~State Registrar of Vital~~
22 ~~Records at the~~ State Department of Health within five (5) days of
23 such action.
24

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

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

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

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

16 C. The Commissioner shall prescribe by regulation the
17 conditions under which additions or minor corrections shall be made
18 to:

- 19 1. ~~birth~~ Birth certificates:
 - 20 a. for minor corrections, as defined in Section 1-301 of
21 Title 63 of the Oklahoma Statutes, to birth
22 certificates within one (1) year after the date of
23 birth, the parent, legal guardian, or legal custodian
24 of the subject of the record may request minor

1 corrections by submitting the request to the State
2 Department of Health on a form prescribed by the
3 Department. Such minor corrections may be made
4 without the certificate being considered as amended,
5 b. for minor corrections, as defined in Section 1-301 of
6 Title 63 of the Oklahoma Statutes, to birth
7 certificates after one (1) year after the date of
8 birth, either the subject of the record or the parent,
9 legal guardian, or legal custodian of the subject of
10 the record, if the subject of the record is under
11 eighteen (18) years of age, may request minor
12 corrections by filing a petition with the Commissioner
13 of Health in accordance with the Administrative
14 Procedures Act, and
15 c. shall not be amended for surgical or medical
16 transitioning, or to adhere to self-identification of
17 an individual to a sex other than the biological sex
18 of the individual.

19 2. Death certificates:

20 a. for minor corrections, as defined in Section 1-301 of
21 Title 63 of the Oklahoma Statutes, to death
22 certificates within one (1) year after the date of
23 death, the funeral director, administrator of the
24 estate, or next of kin may request minor corrections

1 by submitting the request to the State Department of
2 Health on a form prescribed by the Department. Such
3 minor corrections may be made without the certificate
4 being considered as amended, and

5 b. for minor corrections, as defined in Section 1-301 of
6 Title 63 of the Oklahoma Statutes, to death
7 certificates after one (1) year after the date of
8 death, the funeral director, administrator of the
9 estate, or next of kin, may request minor corrections
10 by filing a petition with the Commissioner of Health
11 in accordance with the Administrative Procedures Act.

12 3. Fetal death certificate:

13 a. for minor corrections, as defined in Section 1-301 of
14 Title 63 of the Oklahoma Statutes, to fetal death
15 certificates after one (1) year after the date of
16 death, the funeral director, parent, or next of kin,
17 may request minor corrections by filing a petition
18 with the Commissioner of Health on a form prescribed
19 by the Department. Such minor corrections may be made
20 without the certificate being considered as amended,
21 and

22 b. for minor corrections, as defined in Section 1-301 of
23 Title 63 of the Oklahoma Statutes, to fetal death
24 certificates after one (1) year after the date of

1 death, the funeral director, parent, or next of kin,
2 may request minor corrections by filing a petition
3 with the Commissioner of Health in accordance with the
4 Administrative Procedures Act.

5 ~~C.~~ D. Upon receipt of a certified copy of a court order, from a
6 court of competent jurisdiction, changing the name of a person born
7 in this state and upon request of such person or his or her parent,
8 guardian or legal representative, the State Commissioner of Health
9 shall amend the certificate of birth to reflect the new name.

10 ~~D.~~ E. When a child is born out of wedlock, the Commissioner
11 shall amend a certificate of birth to show paternity, if paternity
12 is not currently shown on the birth certificate, in the following
13 situations:

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

16 2. Upon receipt of a certified copy of a court order
17 adjudicating paternity; or

18 3. Upon receipt of an electronic record from the Department of
19 Human Services indicating that an acknowledgement of paternity has
20 been signed by both parents or a court order adjudicating paternity.

21 ~~E.~~ F. For a child born out of wedlock, the Commissioner shall
22 also change the surname of the child on the certificate:

23 1. To the specified surname upon receipt of acknowledgment of
24 paternity signed by both parents, upon receipt of a certified copy

1 of a court order directing such name be changed or upon receipt of
2 an electronic record from the Department of Human Services
3 indicating that an acknowledgement of paternity has been signed by
4 both parents or a court order directs such name change. Such
5 certificate amended pursuant to this subsection shall not be marked
6 "amended"; or

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

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

13 ~~G.~~ ~~If within sixty (60) days of the initial issuance of a~~
14 ~~certificate of death, a funeral director, or a person acting as~~
15 ~~such, requests a correction to any portion of the death record~~
16 ~~except the information relating to the medical certification~~
17 ~~portion, due to a scrivener's error, misspelling or other correction~~
18 ~~of information, the Commissioner of Health, through the State~~
19 ~~Registrar of Vital Statistics, shall amend the record, provided the~~
20 ~~request is made in writing or through an electronic system and is~~
21 ~~accompanied by documentation disclosing the correct information or~~
22 ~~by a sworn statement of the funeral director. The funeral director,~~
23 ~~or person acting as such, shall be responsible for any and all~~
24 ~~amendment fees that may be imposed by the Commissioner of Health for~~

1 ~~the correction. Up to ten certified copies containing the erroneous~~
2 ~~original information may be exchanged for certified copies~~
3 ~~containing the corrected information at no additional cost.~~

4 H. ~~Beginning on the effective date of this act April 26, 2022,~~
5 ~~the biological sex designation on a certificate of birth amended~~
6 ~~under this section shall be either male or female and shall not be~~
7 ~~nonbinary or any symbol representing a nonbinary designation~~
8 ~~including but not limited to the letter "X" denoted to a child at~~
9 ~~birth on the certificate of birth shall not be amended, except as~~
10 ~~provided in subparagraphs a and b of paragraph 1 of subsection C in~~
11 ~~this section.~~

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

14 Section 1-323. A. To protect the integrity of vital statistics
15 records, to ensure their proper use, and to ensure the efficient and
16 proper administration of the vital statistics system, it shall be
17 unlawful for any person to permit inspection of, or to disclose
18 information contained in, vital statistics records, or to copy or
19 issue a copy of all or part of any such record except to:

- 20 1. The person who is the subject of the record;
- 21 2. A parent named on the record or a person acting with the
22 parent's permission unless that parent is currently incarcerated;
- 23 3. Someone acting with permission of the person who is the
24 subject of the record;

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

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

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

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

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

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

14 10. A representative of the Department of Corrections, when the
15 subject of the record is under supervision of the Department of
16 Corrections;

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

19 12. Any other person working in the best interest of the
20 subject of the record or the estate of the subject of record, as
21 determined by regulations of the State Commissioner of Health.

22 Provided, that death certificates shall be considered publicly
23 available records fifty (50) years after the death and birth
24

1 certificates shall be considered publicly available records one
2 hundred twenty-five (125) years after the birth.

3 B. The State Department of Health shall, by July 1, 2017, make
4 available an online public index that includes, as is applicable,
5 the name, gender, date of birth, date of death, county of birth, and
6 county of death of all persons in its records. Birth data shall not
7 be added to the index until twenty (20) years after the birth.
8 Death data shall not be added to the index until five (5) years
9 after the death. The index shall be made available online at no
10 cost to users.

11 Private entities may request assistance from the Department in
12 receiving digital files including all or part of the index described
13 in this subsection. Such private entities may be assessed a fee
14 that shall not exceed the cost of creating and transmitting the
15 digital file. The Commissioner may promulgate rules regarding
16 access to such digital files and applicable fees.

17 C. The Department may grant applications for electronic
18 verification of the existence of birth and death certificates for
19 legal and administrative purposes at any time following the birth or
20 death when such applications are made by:

- 21 1. A government agency in conduct of its official business;
- 22 2. A benefit-paying party including but not limited to an
23 annuity company, pension plan or life insurance company in order to
24 determine benefit status;

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

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

5 The recipient of a record verification as provided for in this
6 subsection may not disclose to a party not involved in the issue for
7 which the verification was sought.

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

15 The Commissioner may promulgate rules necessary to implement the
16 provisions of this subsection.

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

20 E. The State Department of Health shall transmit to the
21 Department of Public Safety:

22 1. At the end of each quarter year, a list of all registered
23 deaths which have occurred during such period of time. Upon receipt
24 of such list the Department of Public Safety shall use such list

1 solely to update Department of Public Safety records and to cancel
2 the driver license for those deceased individuals with a valid
3 Oklahoma driver license at the time of death;

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

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

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

21 G. For the purpose of assisting in the location and recovery of
22 missing children, information pertaining to birth certificates and
23 requests for copies of birth certificates shall be provided to the
24 Oklahoma State Bureau of Investigation pursuant to the provisions of

1 Section 1-323.1 of this title and Section 150.12A of Title 74 of the
2 Oklahoma Statutes.

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

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

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

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

24

1 Section 1-329.1. Until a permit for disposal has been issued in
2 accordance with this section, no dead human body whose death
3 occurred within the State of Oklahoma shall be cremated, buried at
4 sea, or made unavailable for further pathologic study by other
5 recognized means of destruction or dissolution of such remains.

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

1 funeral director with the Office of the Chief Medical Examiner.
2 Such filing shall occur or be postmarked within forty-eight (48)
3 hours of the death.

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

16 SECTION 13. This act shall become effective November 1, 2025.

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