

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1688

By: Roe

4  
5  
6 AS INTRODUCED

7 An Act relating to vital records; amending 63 O.S.  
8 2021, Sections 1-301, 1-311, as last amended by  
9 Section 131, Chapter 452, O.S.L. 2024, 1-312, 1-  
10 315.1, 1-317, as last amended by Section 133, Chapter  
11 452, O.S.L. 2024, 1-317a, 1-318, 1-318.2, 1-319, 1-  
12 321, as amended by Section 4, Chapter 87, O.S.L.  
13 2022, 1-323, 1-329.1, (63 O.S. Supp. 2024, Sections  
14 1-311, 1-317, and 1-321), which relates to vital  
15 statistics; adding a definition; updating statutory  
16 references; clarifying corrections to birth  
17 certificates, death certificates, and fetal death  
18 certificates; and providing an effective date.

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

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

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

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

22 2. "System of vital statistics" means the registration,  
23 collection, preservation, amendment and certification of vital  
24 statistics records, and activities related thereto, including the

1 tabulation, analysis and publication of statistical data derived  
2 from such records;

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

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

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

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

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

21 8. "Fetal death" means death prior to the complete expulsion or  
22 extraction from its mother of a product of human conception after  
23 the fetus has advanced to or beyond the twelfth week of  
24 uterogestation. The death is indicated by the fact that, after such

1 expulsion or extraction, the fetus does not breathe or show any  
2 other evidence of life such as beating of the heart, pulsation of  
3 the umbilical cord or definite movement of voluntary muscles;

4 9. "Dead body" means an individual who is determined to be dead  
5 pursuant to the provisions of the Uniform Determination of Death  
6 Act;

7 10. "Final disposition" means the burial, interment, cremation,  
8 or other disposition of a dead body or fetus;

9 11. "Physician" means a person who is a member of the class of  
10 persons authorized to use the term "physician" pursuant to Section  
11 725.2 of Title 59 of the Oklahoma Statutes;

12 12. "Institution" means any establishment, public or private,  
13 which provides inpatient medical, surgical or diagnostic care or  
14 treatment, or nursing, custodial or domiciliary care, to two or more  
15 unrelated individuals, or to which persons are committed by law; ~~and~~

16 13. "Disinterment" means the recovery of human remains by  
17 exhumation or disentombment. "Disinterment" does not include the  
18 raising and lowering of remains to accommodate two interments within  
19 a single grave and does not include the repositioning of an outside  
20 burial container that encroaches on adjoining burial space; and

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

24

1 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-311, as  
2 last amended by Section 131, Chapter 452, O.S.L. 2024 (63 O.S. Supp.  
3 2024, Section 1-311), is amended to read as follows:

4 Section 1-311. A. A certificate of birth for each live birth  
5 which occurs in this state shall be filed with the ~~State Registrar~~  
6 ~~of Vital Statistics~~ Commissioner of Health, within seven (7) days  
7 after the birth.

8 B. When a birth occurs in an institution, the person in charge  
9 of the institution or a designated representative shall obtain the  
10 personal data, prepare the certificate and secure the signatures  
11 required by the certificate. The physician in attendance shall  
12 certify to the facts of birth and provide the medical information  
13 required by the certificate within five (5) days after the birth.

14 C. When a birth occurs outside an institution, the certificate  
15 shall be prepared and filed by one of the following in the indicated  
16 order of priority:

17 1. The physician in attendance at or immediately after the  
18 birth;

19 2. Any other person in attendance at or immediately after the  
20 birth; or

21 3. The father, the mother or, in the absence or inability of  
22 the father or mother, the person in charge of the premises where the  
23 birth occurred and present at the birth.

24

1 D. 1. If the mother was married at the time of birth, or  
2 married at any time during the three hundred (300) calendar days  
3 before the birth, the name of the husband shall be entered on the  
4 certificate as the father of the child unless paternity has been  
5 determined otherwise by a court of competent jurisdiction or a  
6 husband's denial of paternity form has been filed along with an  
7 affidavit acknowledging paternity, in which case the name of the  
8 father as determined by the court or affidavit acknowledging  
9 paternity shall be entered. If there is a refusal to identify  
10 paternity on the birth certificate, the State Department of Health  
11 is authorized to register a birth certificate as such.

12 2. If the mother was not married at the time of birth, nor  
13 married at any time during the three hundred (300) calendar days  
14 before the birth, the name of the father shall be entered on the  
15 certificate of birth only if:

- 16 a. a determination of paternity has been made by an  
17 administrative action through the Department of Human  
18 Services or a court of competent jurisdiction, in  
19 which case the name of the father shall be entered, or
- 20 b. the mother and father have agreed as to the biological  
21 paternity of the child and signed an acknowledgement  
22 of paternity pursuant to Section 1-311.3 of this  
23 title, or substantially similar affidavit from another  
24

1 state and filed it with the ~~State Registrar of Vital~~  
2 ~~Statistics~~ Commissioner of Health.

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

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

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

21 G. Beginning on the effective date of this act, the biological  
22 sex designation on a certificate of birth issued under this section  
23 shall be either male or female and shall not be nonbinary or any  
24

1 symbol representing a nonbinary designation including but not  
2 limited to the letter "X".

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

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

- 10 (1) the date and place of finding.
- 11 (2) sex, color or race, and approximate age of child.
- 12 (3) name and address of the persons or institution  
13 with whom the child has been placed for care.
- 14 (4) and other data required by the Commissioner.

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

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

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

24

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~~  
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 correction to birth certificates within one  
21 (1) year after the date of birth, the parent, legal  
22 guardian, or legal custodian of the subject of the  
23 record may request minor corrections by submitting the  
24 request to the Department of Health on a form

1           prescribed by the Department. Such minor corrections  
2           may be made without the certificate being considered  
3           as amended, and

4           b. for minor corrections to birth certificates after one  
5           (1) year after the date of birth, either the subject  
6           of the record or the parent, legal guardian, or legal  
7           custodian of the subject of the record, if the subject  
8           of the record is under eighteen (18) years of age, may  
9           request minor corrections by filing a petition with  
10           the Commissioner of Health in accordance with the  
11           Administrative Procedures Act.

12           2. Death certificates:

13           a. for minor corrections to death certificates within one  
14           (1) year after the date of death, the funeral  
15           director, administrator of the estate, or next of kin  
16           may request minor corrections by submitting the  
17           request to the State Department of Health on a form  
18           prescribed by the Department. Such minor corrections  
19           may be made without the certificate being considered  
20           as amended, and

21           b. for minor corrections to death certificates after one  
22           (1) year after the date of death, the funeral  
23           director, administrator of the estate, or next of kin,  
24           may request minor corrections by filing a petition

1                   with the Commissioner of Health in accordance with the  
2                   Administrative Procedures Act.

3     3. Fetal death certificate:

4           a. for minor corrections to fetal death certificates  
5           after one (1) year after the date of death, the  
6           funeral director, parent, or next of kin, may request  
7           minor corrections by filing a petition with the  
8           Commissioner of Health on a form prescribed by the  
9           Department. Such minor corrections may be made  
10           without the certificate being considered as amended,  
11           and

12           b. for minor corrections to fetal death certificates  
13           after one (1) year after the date of death, the  
14           funeral director, parent, or next of kin, may request  
15           minor corrections by filing a petition with the  
16           Commissioner of Health in accordance with the  
17           Administrative Procedures Act.

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

23     ~~D.~~ E. When a child is born out of wedlock, the Commissioner  
24 shall amend a certificate of birth to show paternity, if paternity

1 is not currently shown on the birth certificate, in the following  
2 situations:

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

5 2. Upon receipt of a certified copy of a court order  
6 adjudicating paternity; or

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

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

12 1. To the specified surname upon receipt of acknowledgment of  
13 paternity signed by both parents, upon receipt of a certified copy  
14 of a court order directing such name be changed or upon receipt of  
15 an electronic record from the Department of Human Services  
16 indicating that an acknowledgement of paternity has been signed by  
17 both parents or a court order directs such name change. Such  
18 certificate amended pursuant to this subsection shall not be marked  
19 "amended"; or

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

22 ~~F.~~ G. The Commissioner shall have the power and duty to  
23 promulgate rules for situations in which the ~~State Registrar of~~

24

1 ~~Vital Statistics Department of Health~~ receives false information  
2 regarding the identity of a parent.

3 ~~G. If within sixty (60) days of the initial issuance of a~~  
4 ~~certificate of death, a funeral director, or a person acting as~~  
5 ~~such, requests a correction to any portion of the death record~~  
6 ~~except the information relating to the medical certification~~  
7 ~~portion, due to a scrivener's error, misspelling or other correction~~  
8 ~~of information, the Commissioner of Health, through the State~~  
9 ~~Registrar of Vital Statistics, shall amend the record, provided the~~  
10 ~~request is made in writing or through an electronic system and is~~  
11 ~~accompanied by documentation disclosing the correct information or~~  
12 ~~by a sworn statement of the funeral director. The funeral director,~~  
13 ~~or person acting as such, shall be responsible for any and all~~  
14 ~~amendment fees that may be imposed by the Commissioner of Health for~~  
15 ~~the correction. Up to ten certified copies containing the erroneous~~  
16 ~~original information may be exchanged for certified copies~~  
17 ~~containing the corrected information at no additional cost.~~

18 ~~H. Beginning on the effective date of this act~~ April 26, 2022,  
19 ~~the biological sex designation on a certificate of birth amended~~  
20 ~~under this section shall be either male or female and shall not be~~  
21 ~~nonbinary or any symbol representing a nonbinary designation~~  
22 ~~including but not limited to the letter "X" denoted to a child at~~  
23 birth on the certificate of birth shall not be amended, except as  
24

1 provided in subparagraphs a and b of paragraph 1 of subsection C in  
2 this section.

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

5 Section 1-323. A. To protect the integrity of vital statistics  
6 records, to ensure their proper use, and to ensure the efficient and  
7 proper administration of the vital statistics system, it shall be  
8 unlawful for any person to permit inspection of, or to disclose  
9 information contained in, vital statistics records, or to copy or  
10 issue a copy of all or part of any such record except to:

11 1. The person who is the subject of the record;

12 2. A parent named on the record or a person acting with the  
13 parent's permission unless that parent is currently incarcerated;

14 3. Someone acting with permission of the person who is the  
15 subject of the record;

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

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

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

24

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

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

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

6 10. A representative of the Department of Corrections, when the  
7 subject of the record is under supervision of the Department of  
8 Corrections;

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

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

14 Provided, that death certificates shall be considered publicly  
15 available records fifty (50) years after the death and birth  
16 certificates shall be considered publicly available records one  
17 hundred twenty-five (125) years after the birth.

18 B. The State Department of Health shall, by July 1, 2017, make  
19 available an online public index that includes, as is applicable,  
20 the name, gender, date of birth, date of death, county of birth, and  
21 county of death of all persons in its records. Birth data shall not  
22 be added to the index until twenty (20) years after the birth.  
23 Death data shall not be added to the index until five (5) years

1 after the death. The index shall be made available online at no  
2 cost to users.

3 Private entities may request assistance from the Department in  
4 receiving digital files including all or part of the index described  
5 in this subsection. Such private entities may be assessed a fee  
6 that shall not exceed the cost of creating and transmitting the  
7 digital file. The Commissioner may promulgate rules regarding  
8 access to such digital files and applicable fees.

9 C. The Department may grant applications for electronic  
10 verification of the existence of birth and death certificates for  
11 legal and administrative purposes at any time following the birth or  
12 death when such applications are made by:

13 1. A government agency in conduct of its official business;

14 2. A benefit-paying party including but not limited to an  
15 annuity company, pension plan or life insurance company in order to  
16 determine benefit status;

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

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

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

24



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

8 The Commissioner may promulgate rules necessary to implement the  
9 provisions of this subsection.

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

13 E. The State Department of Health shall transmit to the  
14 Department of Public Safety:

15 1. At the end of each quarter year, a list of all registered  
16 deaths which have occurred during such period of time. Upon receipt  
17 of such list the Department of Public Safety shall use such list  
18 solely to update Department of Public Safety records and to cancel  
19 the driver license for those deceased individuals with a valid  
20 Oklahoma driver license at the time of death;

21 2. At the end of each month, a report of all registered deaths  
22 that resulted from a motor vehicle collision which have occurred  
23 during such period of time. The report shall be used by the  
24

1 Department solely for the purpose of statistical analysis and  
2 reporting; and

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

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

15 G. For the purpose of assisting in the location and recovery of  
16 missing children, information pertaining to birth certificates and  
17 requests for copies of birth certificates shall be provided to the  
18 Oklahoma State Bureau of Investigation pursuant to the provisions of  
19 Section 1-323.1 of this title and Section 150.12A of Title 74 of the  
20 Oklahoma Statutes.

21 H. The Commissioner shall authorize the transmission of death  
22 certificates to the Department of Labor for the purpose of the  
23 Department of Labor conducting a census of total occupational  
24 injuries and illnesses. The Department shall transmit to the

1 Department of Labor statistics of fatal occupational injuries that  
2 shall include the following:

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

13 I. The Department of Labor shall be required to protect the  
14 integrity of the vital statistics records to the same extent  
15 required of the Department pursuant to this section.

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

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

23 When the person legally responsible for disposition of a dead  
24 human body, whose death occurred or was pronounced within this

1 state, desires that the body be cremated, buried at sea, or made  
2 unavailable for further pathologic study by other recognized means  
3 of destruction or dissolution of such remains, that person shall  
4 complete an application-permit form for such procedure provided by  
5 the Office of the Chief Medical Examiner. The Office of the Chief  
6 Medical Examiner, in accordance with Section 948.1 of this title,  
7 shall charge a fee for each cremation permit issued. The Medical  
8 Examiner shall be notified, as required in Section 938 of this  
9 title. He or she shall perform the required investigation and shall  
10 issue a valid death certificate as required by Section 947 of this  
11 title and execute the permit in accordance with rules established by  
12 the Office of the Chief Medical Examiner. In order to be valid,  
13 each permit must contain an individual number assigned to the  
14 particular permit by the Office of the Chief Medical Examiner. A  
15 copy of the application-permit form and the original death  
16 certificate shall be filed with the ~~State Registrar~~ Department of  
17 Health. The original application-permit form shall be filed by the  
18 funeral director with the Office of the Chief Medical Examiner.  
19 Such filing shall occur or be postmarked within forty-eight (48)  
20 hours of the death.

21 If death occurred or was pronounced outside the geographic  
22 limits of the State of Oklahoma and the body is brought into this  
23 state for such disposal, a transit permit or a permit for removal,  
24 issued in accordance with the laws and regulations in force where

1 the death occurred shall authorize the transportation of the body  
2 into or through this state and shall be accepted in lieu of a  
3 certificate of death as required above. A valid permit issued for  
4 disposal of such body in accordance with the laws in the  
5 jurisdiction where the body died or death was pronounced shall be  
6 authority for cremation or burial at sea or to make the body  
7 otherwise unavailable for further pathologic study by other  
8 recognized means of destruction or dissolution of such remains.

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

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

60-1-10928 TJ 01/15/25