

An Act

ENROLLED SENATE
BILL NO. 108

By: Stanislawski of the Senate

and

Roberts (Sean) of the House

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

SUBJECT: Death certificates

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:

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

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

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

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

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

D. In the event that the physician in charge of the patient's care for the illness or condition which resulted in death is not in attendance at the time of death, the medical certification shall be

completed and signed within forty-eight (48) hours after death by the physician in attendance at the time of death, except:

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

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

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

E. A certifier completing cause of death on a certificate of death who knows that a lethal drug, overdose or other means of assisting suicide within the meaning of Sections 3141.2 through 3141.4 of this title caused or contributed to the death shall list that means among the chain of events under cause of death or list it in the box that describes how the injury occurred. If such means is in the chain of events under or in the box that describes how the injury occurred, the certifier shall indicate "suicide" as the manner of death.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 30th day of April, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 17th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____