

CHAPTER 105. VITAL STATISTICS

[Authority:63 O.S., §§ 1-104 and 1-301 et seq.]

[Source:Codified 12-31-91]

SUBCHAPTER 1. PURPOSE, FORMS, AND FEES

310:105-1-1. Purpose

The rules in this Chapter implement the provisions of Article 3 of the Public Health Code, pertaining to vital statistics.

310:105-1-2. Completion and filing of forms and records

(a) All certificates and records filed under the act and this Chapter shall be typewritten or legibly written in black, nonfading ink.

(b) All blanks and forms shall be prepared in accordance with instructions of the Commissioner of Health. No form or blank shall be considered complete and correct or acceptable for filing that:

- (1) Does not supply all of the items of information called for thereon, or satisfactorily account for their omission.
- (2) Contains alterations or erasures.
- (3) Does not contain genuine signatures.
- (4) Is marked "copy" or "duplicate".
- (5) Is a carbon copy.
- (6) Is prepared on an improper form.
- (7) Contains any data relative to the putative father of a child born out of wedlock without his written consent, or unless determined by a court of competent jurisdiction.

[Source: Amended at 17 Ok Reg 2924, eff 7-13-00]

310:105-1-3. Fees for Services, Identification requirements and Certified Copies

(a) Identification prescribed by the Department, shall be required for issuance of birth, death, and stillbirth certificates. Documentation is subject to verification with the issuing authority and shall include:

- (1) Government issued photographic identification; or
- (2) At least two alternative forms of identification; or
- (3) An alternative electronic process.

(b) Alternative forms may include, but are not limited to letters from government or social agencies; pay statement; utility bills; or other items prescribed by the Department.

(c) Delegation of personal legal powers to request or amend a birth certificate by an eligible applicant as established in 63 O.S. § 1-323, shall be on a form prescribed by the Department in order to protect the integrity of the records, ensure their proper use, and to efficiently administer the vital statistics system.

(d) Attestation to the identity of another person who is applying for his/her own record shall be on a form prescribed by the Department.

(e) Except as otherwise provided in law or regulation, the following schedule of fees is adopted for services provided, certified copies of Vital Records, or for a search of files when no copy is made:

- (1) Search of files or issuance of one (1) certified copy if record is found:
 - (A) Birth Certificates - \$15.00; additional certified copies requested - \$15.00 per copy.
 - (B) Death Certificates - \$15.00; additional certified copies requested - \$15.00 per copy.
- (2) Delayed Registration:
 - (A) Initial search of files - \$15.00
 - (B) Certified copies after establishment of delayed registration - \$40.00 (\$40.00 fee includes a \$25.00 processing fee and credit for initial \$15.00 search fee.)
- (3) Birth record substitution:
 - (A) Adoptions:
 - (i) Search of records - \$15.00
 - (ii) Certified copy after substitution - \$40.00 (\$40.00 fee includes a \$25.00 processing fee and credit for initial \$15.00 search fee.)
 - (B) Legitimations:
 - (i) Search of records - \$15.00
 - (ii) Certified copy after substitution - \$40.00 (\$40.00 fee includes a \$25.00 processing fee and credit for initial \$15.00 search fee.)
 - (C) Certificate of Foreign Born:
 - (i) Search of records - \$15.00
 - (ii) Certified copy after preparation of and/or substitution of record - \$40.00 (\$40.00 fee includes \$25.00 processing fee and credit for initial \$15.00 search fee.)
- (4) Amendments to Vital Records and Paternities:
 - (A) Initial search of birth records - \$15.00
 - (B) Certified copies of birth certificates after amended or paternity completed - \$40.00 (\$40.00 fee includes a \$25.00 processing fee and credit for initial \$15.00 search fee.) Paternities which are submitted at the time of original filing by the hospital and meet all the requirements for filing are not subject to the amendment fee.
 - (C) Search of records and certified copies of amended death certificates - \$15.00.
 - (D) Certified copies of death certificates after amendment or correction completed - \$35.00 (\$35.00 fee includes a \$20.00 processing fee and credit for initial \$15.00 search fee) unless the requested amendment is to change the medical certification data. In this case, there is no amendment fee.

[Source: Amended at 11 Ok Reg 133, eff 10-8-93 (emergency); Amended at 11 Ok Reg 3161, eff 6-27-94; Amended at 19 Ok Reg 2056, eff 6-27-02; Amended at 20 Ok Reg 2353, eff 7-11-03; Amended at 25 Ok Reg 2389, eff 9-1-08; Amended at 37 Ok Reg 1370, eff 9-11-20]

310:105-1-4. Waiver of fees

- (a) Upon the Governor's declaration of a natural disaster within Oklahoma, the Commissioner of Health may declare a waiver of the fee for death and birth certificates of the victims of the disaster.
- (b) Upon receipt of a written application and proper identification from a member of a state or federal law enforcement agency, authorized to investigate matters involving the public's safety, it shall be lawful for the division to issue verification of death at no cost to the agency.

[Source: Added at 16 Ok Reg 3486, eff 7-30-99 (emergency); Added at 17 Ok Reg 2034, eff 6-12-00; Amended at 19 Ok Reg 2056, eff 6-27-02]

310:105-1-5. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Delayed Registration" shall mean the registration of the birth of a person one year or more after the date of birth.

[Source: Added at 17 Ok Reg 2924, eff 7-13-00]

310:105-1-6. Confidential Exceptions

(a) **Best Interest of the Subject.** In addition to the individuals listed in 63 O.S. §1-323(A), it shall be unlawful for any person to permit inspection of, disclose information contained in, or to copy or issue a copy of all or part of any such vital record except to the following individuals working in the best interest of the subject of the record or the estate of the subject of record:

A. Legal Guardian of the subject;

B. Government Representative conducting official business on behalf of the subject of record or the subject of record's estate;

C. The current Spouse of a deceased subject of the record;

D. Immediate family member of a deceased subject, with a documented direct and tangible interest in the subject's estate;

E. Next-of-kin of a deceased subject, with a documented direct and tangible interest in the subject's estate;

F. Contractor with legal documentation that shows they are acting on behalf of the subject of record or the subject of record's estate.

SUBCHAPTER 3. BIRTH REGISTRATION

310:105-3-1. Birth registration

(a) Every live birth which shall occur in this state shall be registered on a standard certificate of live birth and shall be filed with the ~~local registrar~~ Commissioner of the district in which the birth occurred within seven (7) days after the date of birth.

(1) Data, other than that discussed in rule 105-3-3(b), omitted from the original certificate may be added to the original certificate by a supplementary report presented to the ~~State Registrar~~ Commissioner not more than twelve (12) months after the date of birth.

Certificates so completed shall not be considered "altered" or amended.

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

(3) If the mother was not married at the time of conception or birth, or married at any time during the three hundred (300) calendar days before the birth, the name of the father shall not be entered on the certificate of birth without a sworn acknowledgment of paternity signed by the mother and the person to be named as the father, or a determination of paternity has been made by an administrative action through the Department of Human Services or a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered. In such cases, ~~the mother~~ either of the parents ~~will~~ shall sign the certificate attesting to the personal data as shown on the certificate as being true. When a certificate of birth is completed by the attendant to indicate the father's name in accordance with the above provisions, the sworn acknowledgment of paternity or a certified copy of the court determination of paternity shall be attached to the certificate of birth and forwarded with the birth certificate to the state office of Vital Records, where such evidence will be placed in the permanent confidential files, sealed and subject to inspection only upon order of a court of competent jurisdiction.

~~(b) If either parent is unable due to physical limits absence or death, the health care facility shall type the name of the parent in the place of the actual signature.~~

[Source: Amended at 17 Ok Reg 2924, eff 7-13-00]

310:105-3-2. Delayed birth certificates

(a) **When delayed birth certificate required.** If a live birth is not registered before the person has reached or passed his first birthday, the birth shall be registered on the delayed certificate of birth form.

(b) **Facts to be established.** In filing a delayed registration of birth, the facts of the date and place of birth along with the parentage of birth shall be established.

(c) **Evidence required.**

(1) **Age one year to ten years.** For a registrant who has reached or passed his first birthday but has not reached his tenth birthday, the facts of birth shall be established by two records, one of which may be an affidavit signed by a parent or guardian and the other an affidavit signed by the health care provider. If the birth was not attended by a health care provider, a record of the birth made at or near the birth may be used as the second record to establish the facts of the birth. If no record of the birth can be produced, the Department shall investigate the facts of the birth before accepting the delayed birth certificate for registration.

(2) **Older than ten years.** For the registrant who has reached or passed his tenth birthday, the facts of birth shall be established by three (3) records, each from a different and independent source. To be acceptable as proof the records must have been made ten (10) years or more prior to the filing of the certificate, with the exception of the affidavit, and must contain information about the registrant to support the facts shown on the delayed certificate. An affidavit of personal knowledge may be used as one, but only one, of the three records of proof. All three records shall indicate the name of the registrant, the correct birth date or age of registrant, and at least two of the records shall reflect the birthplace of the registrant to be Oklahoma, and one of the records shall indicate the parentage as claimed by the registrant.

(3) **Signature.** The registrant or his parent, if a minor at the time of application, shall sign the affidavit on the face of the delayed birth certificate form before a Notary Public

attesting to the authenticity of the information as set forth on the face of the form. In those instances where the registrant is unable to sign his name, he shall make his mark and two witnesses shall sign verifying the same, all before a Notary Public.

(4) **Investigation.** The Commissioner may investigate the facts of any birth for which a delayed birth certificate is filed. No copies of the registration shall be made until the Commissioner is satisfied that the facts as listed in the registration can be adequately established.

(5) **Unacceptable application.** A delayed birth certificate form shall not be registered and no copies shall be issued when it is known that the registrant is deceased.

(6) **Fraudulent application.** At any time the State Commissioner of Health ~~or the State Registrar of Vital Statistics~~ finds that a delayed certificate of birth has been established by using fraudulent documents or affidavits, the Commissioner ~~or State Registrar~~ shall "void" such certificate by stamping the face of said certificate "void".

(7) **Duplicate certificates.** In those instances where it is found that a registrant has filed a delayed certificate of birth and also has another certificate of birth already on file, the Commissioner ~~or State Registrar~~ shall "void" the delayed certificate filed most recently by stamping the face of said certificate as "void".

(8) **Copies of voided certificates.** In instances where certificates have been voided, certified copies shall not be issued.

(9) **Amendments.** ~~Delayed certificates of birth shall not be amended except in cases of judicial determination of parentage.~~

[Source: Amended at 17 Ok Reg 2924, eff 7-13-00]

310:105-3-3. ~~Additions and amendments~~ Amendments to birth certificates and records

(a) **No alterations on face of certificate-application to amend.** After its acceptance for filing, no birth certificate or other record made in compliance with statutes or this Chapter shall be altered or changed in any respect on its face without an amendment, except as provided in paragraph (b) of this Section.

(b) **Name added to certificate if item blank.** The addition of the registrant's name to a birth certificate within the first twelve (12) months after the date of birth may be made by writing the name in the space provided, upon receipt by the ~~State Registrar~~ Department of the required documents, if the name is blank on the certificate originally filed.

(c) **~~Erroneous entries.~~** ~~When a name is erroneously entered by the attendant on a certificate of birth, the certificate may be amended to indicate the name the registrant has used since birth when sufficient documentation is presented to prove the same. Such documentation shall consist of a statement from the hospital where the birth occurred on a certificate from the attendant at birth that completed the certificate of birth, or if unable to obtain either of the above at least two records indicating the correct name will be required, one of which shall have been established at least ten (10) years prior to the date the amendment is requested.~~

(d) **~~Refusal to amend.~~** ~~In the event the State Registrar finds reason to believe that an attempt is being made to circumvent the provisions of Oklahoma Statutes concerning legally changing a name, the State Registrar shall not amend the certificate based on documentary evidence but shall advise the registrant of the necessity of obtaining a legal change of name as provided for in Oklahoma Statutes.~~

(e) **~~Other Changes.~~** ~~Any applicant that desires to make a change, alteration or amendment not provided for in paragraphs (a) through (d) of this section may file a petition with the~~

~~Administrative Hearing Clerk pursuant to OAC 310:2 and seek a final decision by an Administrative Law Judge granting the relief requested. The applicant shall bear the burden of proof, by clear and convincing evidence that the proposed change, alteration or amendment sought by the Applicant corrects an error or misstatement of fact as to any non-medical information supplied to the State Registrar by the parent(s), facility or attendant.~~

Minor Correction amendment. A birth certificate may be amended for a minor correction, as defined in 63 O.S. §1-301(14), upon the Department's receipt of the following:

- (1) a complete amendment application;
- (2) payment of all applicable amendment fees; and
- (3) a certified copy of an Order from a court of competent jurisdiction finding, by clear and convincing evidence, an objective error to the birth certificate that was knowable at or near the time the certificate was made. An applicant may initiate an administrative proceeding with the Department to obtain the required order by filing a Petition for Minor Correction with the Administrative Hearing Clerk, pursuant to Oklahoma Administrative Code (OAC) Title 310 Chapter 2.

(d) False information regarding the identity of a parent. If the Commissioner of Health receives evidence that appears to show that an applicant intentionally provided the Department with false information regarding the identity of a parent on a birth record, the information shall be immediately reported to law enforcement as a suspected criminal offense. In addition, the Commissioner may:

- (1) flag the birth record to prevent further copies from being issued and to prevent the public examination of the record until the dispute is resolved; and
- (2) amend the birth record only upon the receipt of the appropriate amendment fee, an amendment application, and a certified copy of a District Court Order that establishes the identity of the parent.

[Source: Amended at 17 Ok Reg 2924, eff 7-13-00; Amended at 24 Ok Reg 1905, eff 6-25-07]

310:105-3-4. Birth certificate for children born out of wedlock; confidentiality

In those instances where a child is born out of wedlock, a full copy of the certificate may be issued under the following conditions:

- (1) A written request is received signed by the mother specifically requesting the same if the registrant is a minor.
- (2) A written request is received signed by the registrant, if of legal age - 18 years or older.
- (3) A written request is received signed by an attorney stating that the full copy is necessary for presentation to the courts for adoption purposes.
- (4) A written request is received by an individual, a licensed child placing agency, or other entity that has legal custody or guardianship of a child born out of wedlock.
- (5) Upon order of a court of competent jurisdiction.

[Source: Amended at 24 Ok Reg 1905, eff 6-25-07]

310:105-3-5. New certificates of birth

(a) **Legitimacy of child born out of wedlock.** The State Commissioner of Health shall establish a new certificate of birth for a person born in this State and whose birth certificate indicates the birth occurred out of wedlock when he receives a written request from the person, or either of the

parents, and evidence proving that such person has been legitimated. Such evidence shall consist of a sworn statement by the mother and the husband that he is the natural father of the child whose certificate is to be replaced. The above-mentioned sworn statement must be accompanied by a certified copy of the parents' marriage license. The sworn acknowledgement of the parents and the certified copy of the marriage license shall be retained with the original certificate of birth in the confidential files of the Vital Records Division and shall not be subject to inspection, except upon order of a court of competent jurisdiction.

(b) **Adoption.** The State Commissioner of Health shall establish a new certificate of birth for a person born in this State when furnished with an adoption certificate as provided in the Uniform Adoption Act, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth.

~~(c) When the State Commissioner of Health or the State Registrar receives an adoption certificate or a certified copy of the Decree of Adoption from a court for a person born outside this State, such record shall be forwarded to the appropriate State Registrar or registration authority in the State of birth.~~

(d) Adoption of foreign born; certificate of birth.

(1) ~~The State Commissioner or State Registrar~~ may upon request prepare and register a certificate of birth in this State for a person born in a foreign country who is not a citizen of the United States and who was adopted under the provisions of Oklahoma Statutes in this State. The certificate may be established upon receipt of an adoption certificate as provided for in the Uniform Adoption Act, or a certified copy of the decree of adoption.

The information contained in the certificate of or decree of adoption shall set forth the actual date of the adopted persons birth. A request must also be made to the ~~State Registrar~~ Commissioner by the Court, the adopting parents, or their attorney, or the adopted person if of legal age that such a certificate be prepared. Such "Certificate of Foreign Birth" shall be on a form prescribed by the ~~State Registrar~~ Commissioner and shall be labeled "Certificate of Foreign Birth" and shall show the actual country of birth and actual date of birth. A statement shall also be included on the certificate indicating that it is not evidence of United States Citizenship for the person for whom it is issued.

(2) After registration of the "Certificate of Foreign Birth" in the new name of the adopted person, the ~~State Registrar~~ Commissioner shall seal and file the evidence of adoption and it shall not be subject to inspection except upon order of a court of competent jurisdiction.

(3) A "Certificate of Foreign Birth" registered in accordance with the above provisions shall not be amended except upon order of a court of competent jurisdiction. Such a certificate shall then be "amended" only by adding a page providing the Court's findings. Upon receipt of notice of annulment of adoption, from a court of competent jurisdiction in this State, the ~~State Registrar~~ Commissioner shall so mark the "Certificate of Foreign Birth" and shall follow the directive of the court.

(4) The evidentiary value of a "Certificate of Foreign Birth" shall be determined by the judicial or administrative body or official before when the certificate is offered as evidence.

(5) The ~~State Registrar~~ Commissioner shall establish a system for filing, preserving and issuance of certified copies of "Certificate of Foreign Birth" shall so indicate the same as well as the actual country of birth and the fact the certificate is "not proof of United States Citizenship."

SUBCHAPTER 5. DEATH REGISTRATION

310:105-5-1. Death registration

(a) **Certificate properly filed; when.** An attending physician's certificate of death, medical examiner's certificate of death, or fetal death shall be considered properly filed when all items thereon have been satisfactorily and definitely answered in accordance with the instructions of the Commissioner of Health and when the certificate has been presented to the local registrar in the registration district in which death occurred or the body was found.

(b) **Fetal death defined.** A gestation period of twenty (20) weeks or more is hereby prescribed in defining the term "fetal death."

310:105-5-2. Delayed death certificates

When a death has occurred in this State and has not been registered with the Vital Records Division, it may be registered by using the current certificate of death form when one of the following conditions is met:

(1) The certificate of death is signed by the attending physician, physician assistant, or advanced practice registered nurse in charge of the patient's care for the illness or condition which resulted in death.

(2) If death occurred in a hospital and the attending physician, physician assistant, or advanced practice registered nurse 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 ~~no longer available~~, the medical certification ~~may~~ shall be completed and signed by the physician, physician assistant, or advanced practice registered nurse in attendance at the time of death. ~~on the basis of information contained in the permanent files of the hospital and signed by the medical records librarian. In such cases, it shall be noted on the face of the certificate that the information as shown is taken from the hospital records.~~

(3) The certification of death of any person whose death is investigated pursuant to 63 O.S. §§ 931 et seq. shall be made by the Chief Medical Examiner or his or her designee upon a medical examiner death certificate provided by the State Registrar. The final certification of death shall be signed by the Chief Medical Examiner or his or her designee immediately upon conclusion of the investigation and completion of the case. ~~If death was due to an accident, the medical examiner that originally investigated the case and who originally had the responsibility for certifying the cause of death shall sign a medical examiner's certificate of death.~~

~~(4) If death was due to an accident and the medical examiner originally responsible for completion is not available, then the Chief Medical Examiner may sign the certificate and certify the cause of death on the basis of information concerning the deceased contained in his files.~~

~~(5)~~ All certificates filed more than twelve (12) months after the date of death shall be filed as a delayed filing and shall indicate the date signed by the physician or hospital personnel and shall indicate the date placed on permanent file. it shall be indicated on the face of the certificate that it is a delayed filing by the ~~State Registrar~~ Commissioner when placing on permanent file.

310:105-5-3. Coordination of birth and death certificates

When the ~~State Registrar~~ Commissioner receives a death certificate or notification of death of a person born in the State of Oklahoma, any copies of the birth certificate shall indicate that the person is deceased.

[Source: Added at 17 Ok Reg 2924, eff 7-13-00]

310:105-5-4. Amendments of death certificates ~~registrations~~

(a) **Causes of death.** The cause of death or any other medical portion of the death certificate may be amended only upon the application of the medical examiner or the certifying physician, advanced practice registered nurse or physician assistant as authorized by Title 63 O. S. § 1-317.

(b) **Minor eCorrections within one year.** ~~Minor~~ Within one year of the issuance of a death certificate, a corrections to a any portion of a death record, except the information related to the medical certification portion, death certificate shall may be made requested only upon the application of the funeral director home which must attest that the corrections are being made based on mistake made by the funeral home in accordance with 63 O.S. §1-321(G).

(c) **Other eCorrections after one year.** Any applicant that desires to make a change, alteration or amendment one year or more after the issuance of a death certificate ~~not provided for in paragraphs (a) through (b) of this section~~ may file a petition with the Administrative Hearing Clerk pursuant to OAC 310:2 and seek a final decision by an Administrative Law Judge granting the relief requested. The applicant shall bear the burden of proof, by clear and convincing evidence that the proposed change, alteration or amendment sought by the Applicant corrects an error or misstatement of fact as to any information supplied to the State Registrar by the funeral home.

[Source: Added at 17 Ok Reg 2924, eff 7-13-00; Amended at 24 Ok Reg 1905, eff 6-25-07; Amended at 40 Ok Reg 1543, eff 9-11-23]

SUBCHAPTER 7. BODIES AND RELOCATION OF CEMETERIES

310:105-7-1. Transportation of bodies

(a) ~~Bodies shipped by common carrier.~~ The body of any person dead of a disease that is not contagious, infectious, or communicable may be shipped by common carrier subject to the following conditions:

(1) ~~Provided the body is encased in a sound coffin or casket, enclosed in a strong outside shipping case, and provided it can reach destination within the specified number of hours from the time of death, applicable both to place of shipment and destination.~~

(2) ~~When shipment cannot reach destination within the number of hours specified, the body shall either~~

(A) ~~Be embalmed, encased in a sound coffin or casket, and enclosed in a strong outside case for shipment, or~~

(B) ~~When embalming is not possible, or if the body is in a state of decomposition, it shall be shipped only after enclosure in an airtight coffin or casket, enclosed in proper shipping container.~~

(3) ~~A burial transit permit shall be attached in a strong envelope to the shipping case.~~

(b) ~~Transportation of certain diseased bodies.~~ The body of any person dead of smallpox, Asiatic cholera, louse-borne typhus fever, plague, yellow fever or any other contagious, infectious or communicable disease shall not be transported unless:

- ~~(1) Such body has been embalmed, properly disinfected and encased in an airtight zinc, tin, copper, or lead-lined coffin or iron casket, all joints and seams hermetically soldered or sealed and all encased in a strong, tight outside shipping case.~~
- ~~(2) Disinterred remains are considered as infectious and shall be enclosed in a hermetically sealed metal or metal-lined casket, enclosed in proper shipping container.~~
- ~~(3) Bodies deposited in receiving vaults must be treated and considered the same as disinterred remains with respect to shipping.~~

310:105-7-2. Permit required for disinterment

No person shall disinter the dead body of a human being for removal from one grave to another in the same cemetery, for removal to another cemetery, for cremation, or for any other purpose without obtaining a permit therefor from the State Commissioner of Health. The permit shall be signed by the next of kin of the deceased and a licensed Oklahoma funeral director responsible for performing the disinterring. In the event the next of kin's signature cannot be obtained a certified copy of a court order from a court of competent jurisdiction approving the disinterment shall be required. The permit shall be denied by the Commissioner of Health, if, in his opinion, the disinterment would be hazardous to the public health. The removal of bodies prepared by licensed embalmers and deposited in receiving vaults shall not be regarded as disinterments until the expiration of thirty (30) days.

310:105-7-3. Opening sealed caskets of disinterred remains

~~A hermetically sealed casket containing the disinterred remains of any person, dead from any cause and shipped into the State of Oklahoma for burial, shall not be opened except when so ordered by a court of competent jurisdiction.~~

310:105-7-4. Relocation of cemeteries

For the removal and reinterment of bodies now buried in cemeteries, graveyards and family lots located in territory to be affected directly by highway construction, water or buildings as a result of the erection of dams by the official authority or for any other reason where it is necessary to relocate an existing cemetery, the following rules are herewith promulgated to meet the exigencies of this particular situation.

(1) Upon application to the State Department of Health, the official authority will be granted a blanket permit for the disinterment of all deceased persons buried within the project area when he has completed the Disinterment and Removal Application and Permit for each grave in the cemetery in accordance with the preceding regulations provided in Part VI, Paragraph 1. When the signature of the next of kin cannot be obtained, or in those instances when graves contain bodies for which the name of the deceased is "unknown," it shall be necessary that a person or agency requesting the permit obtain a court order from a court of competent jurisdiction setting forth the necessity for relocating the existing cemetery and giving approval for the same. Upon receipt of a certified copy of such a court order, the State Commissioner of Health ~~or the State Registrar of Vital Statistics~~ shall issue the permit in accordance with the directions of the court.

~~(2) The rules and regulations of the Oklahoma State Department of Health governing the removal and transportation of dead bodies will remain in full force and effect, except that all bodies now buried in graves that are affected in any manner shall be immediately~~

upon disinterment encased in a suitable casket or coffin, and that bodies dead less than six (6) months as a result of smallpox, Asiatic cholera, typhoid fever, leprosy, bubonic plague, anthrax, glanders, or tularemia must be placed in a metal or metal lined casket and hermetically sealed. All disinterring and reintering shall be done under the direction of a licensed Oklahoma funeral director.

(3) All excavations in old grave locations shall be performed by hand digging and shall be to the necessary depth and dimensions of not less than three (3) feet by four (4) feet. At this location, if no remains have been found, the person charged with the disinterring shall collect not less than one half (1/2) cubic foot of the material at the bottom of the excavation and reinter such as the last remains. All of the body or last remains, including such jewelry, identification marks, hinges or any other objects, casket, coffin, or other container shall be removed from each grave and transferred and suitably buried in the new grave.

(4) Before the disinterment of any body or bodies in graves described in this Section, a statement from the local health officer in the area of reinterment must be furnished to the State Department of Health setting forth that each proposed site for the reinterment of said bodies has been approved by the said local health officer.

(5) Extra precaution shall be exercised by those charged with the disinterment, transportation, and reinterment of said bodies in the case of persons dead less than six (6) months prior to disinterment as a result of smallpox, typhoid fever, Asiatic cholera, leprosy, bubonic plague, anthrax, glanders, or tularemia. For the purpose of determining just which persons died of any of the above diseases during the above prescribed periods of time, the person in charge of the disinterment and removal of said bodies shall contact the State Registrar of the state where the death occurred to determine if a death certificate is on file, and if so, the cause of death as entered on the death certificate. In the event no death certificate can be located, then the person in charge of the disinterment shall contact the local health officer of the area to determine if his records reflect information pertaining to deaths from the disease listed above. When it shall be determined that any person has died of any of the above diseases within the above period of time, then it shall be the duty of those in charge of the removal of said bodies to advise the public to refrain from coming into close proximity of the place where and when said bodies are being disinterred, removed or reinterred in order that the possibility of infection may be eliminated. If deemed necessary for the protection of public health, the local authorities are empowered to safeguard the interest of the public. The managers or trustees of any cemetery, or those in charge of the disinterment, removal or reinterment of the bodies are empowered to appoint an agent to exercise the powers of police officers within said cemetery, and within one hundred (100) yards of said cemetery grounds.

(6) The official authority shall, after completion of reinterment of said bodies, submit a report to the State Department of Health setting forth, as far as possible, a list of the names of all deceased persons. The list shall contain the following: name of deceased; date of death; name and location of original place of burial; name and location of place to which the body was removed; provided, however, that such report may consist of a set of plans and prints used in performing said disinterments and reinterments that have been corrected to show the work finally performed.