

Rule Impact Statement Template
(Revised July 2025)

RIS includes all statutory requirements from 75 O.S. § 303 Version 1 and Version 2.

1. Provide a statement of the need for the rule and legal basis supporting it. (75 O.S. § 303 Version 2 D. 3. a.)

- 310:105-1-6 clarifies the individuals who can view or obtain a copy of another person's vital records when acting in their best interest, as statutorily required by 63 O.S. §1-323(A)(12).
- 310:105-3-1 is amended to align with the Commissioner's authority over vital statistics as set out in 63 O.S. §1-304; updated to align with 63 O.S. §1-311(D) as it relates to presumed paternity based on marriage date; and updated to remove unauthorized requirements for healthcare facilities.
- 310:105-3-2 is amended to remove the unauthorized prohibition against amending ~~delayed birth certificates~~

2. Provide a classification of the rule as major or nonmajor, with a justification for the classification, including an estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, state or local government units, or individuals and a determination of whether those costs will exceed One Million Dollars (\$1,000,000) over the initial five-year period following the promulgation of the proposed rule. Provided, if the costs exceed One Million Dollars (\$1,000,000), the agency shall classify the rule as a major rule. (75 O.S. § 303 Version 2 D. 3. b.)

The proposed rules for Chapter 310 are nonmajor rules. None of the rules include a cost which will be expected to incur or be passed along to businesses, state or local government units, or individuals which will exceed \$1,000,000 over the next five years.

3. Provide a brief description of the purpose of the proposed rule. (75 O.S. § 303 Version 1 D. 2. a.)

- 310:105-1-6 clarifies the individuals who can view or obtain a copy of another person's vital records when acting in their best interest.
- 310:105-3-1 is amended to align with the Commissioner's authority over Vital Statistics, aligns the rule with 63 O.S. §1-311 concerning presumed paternity based on marriage date, and removes unauthorized requirements for healthcare facilities to type the name of a parent when that parent is unavailable or deceased.
- 310:105-3-2 is amended to remove the unauthorized prohibition against amending delayed birth certificates.
- ~~310:105-3-3 is amended to align with the Minor Correction definition authority set~~

4. Provide a description of the purpose of the proposed rule, including a determination of whether the proposed rule is mandated by federal law, or as a requirement for participation in or implementation of a federally subsidized or assisted program, and whether the proposed rule exceeds the requirements of the applicable federal law. (75 O.S. § 303 Version 2 D. 3. c.)

- 310:105-1-6 clarifies the individuals who can view or obtain a copy of another person's vital records when acting in their best interest. The proposed rule is not mandated by federal law, is not required for a subsidized or assisted program, and does not exceed federal law.
- 310:105-3-1 is amended to align with the Commissioner's authority over Vital Statistics, aligns the rule with 63 O.S. §1-311 concerning presumed paternity based on marriage date, and removes unauthorized requirements for healthcare facilities to type the name of a parent when that parent is unavailable or deceased. The proposed rule is not mandated by federal law, is not required for a subsidized or assisted program, and does not exceed federal law.

5. Provide a brief description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities. (75 O.S. § 303 Version 1 D. 2. b. and Version 2 D. 3. d.)

310:105-5-4 may create an increased workload for Vital Records and personnel within the Office of Administrative Hearings due to proposed change to the requirements to amend death certificates within one year of a record's initial issuance or amend a death certificate after a year through a petition with the Administrative Law Judge. There are no changes to fees or additional compliance obligations. No costs are anticipated to be borne by businesses, individuals, or political subdivisions.

All other proposed rules affect individuals who wish to amend birth certificates, legal guardians, authorized government representatives, relatives of deceased persons, contractors acting on behalf of an estate, funeral directors, and medical certifiers.

6. Provide a description of the classes of persons who will benefit from the proposed rule. (75 O.S. § 303 Version 1 D. 2. c. and Version 2 D. 3. e.)

Classes of individuals who may potentially benefit from the proposed rules include:

- Legal guardians of record subjects;
- Government representatives conducting official business on behalf of a subject or a subject's estate;
- The current spouse of a deceased subject;
- Immediate family members of a deceased subject who have a direct and tangible interest in the subject's estate;
- Contractors who are legally authorized to act on behalf of the subject or the subject's estate;
- Parents completing and attesting to information on a birth record;
- Individuals with delayed birth records who need to amend those records;

7. Provide a comprehensive analysis of the rule's economic impact, including any anticipated impacts on the full-time-employee count of the agency, any costs or benefits, and a detailed quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local government units, and on the state economy as a whole. The analysis should include a listing of all fee changes and, whenever possible, a separate justification for each fee change. (75 O.S. § 303 Version 2 D. 3. f.)

310.105-3-3. Amendments to Birth Certificates carries a potential additional cost to individuals because individuals must obtain a certified court order to establish the identity of a parent before Vital Records may amend a record. Vital Records receives fewer than five requests per year involving information determined to be false regarding the identity of a parent. The estimated cost of obtaining a court order may range from approximately \$85 to \$238, depending on the circumstances and applicable court costs. Using five requests per year and the estimated cost range, the anticipated annual cost to affected individuals is between:

- 5 requests × \$85 = \$425 annually; and
- 5 requests × \$238 = \$1,190 annually

Over the initial five-year period, the estimated cost is between:

- \$425 × 5 = \$2,125; and
- \$1,190 × 5 = \$5,950.

All other proposed rules are not expected to have a significant economic impact on the agency, affected individuals, businesses, business sectors, public utility ratepayers, state or local government units, or the Oklahoma economy as a whole. No additional full-time employees are anticipated to be required for implementation or compliance.

8. Provide a detailed explanation of the methodology and assumptions used to determine the economic impact, including the dollar amounts calculated. (75 O.S. § 303 Version 2 D. 3. g.)

310.105-3-3. Amendments to Birth Certificates carries a potential minor economic impact for individuals who must obtain a certified district court order establishing the identity of the parent before the Department may amend the record because the individual will not have the option of resolving this particular issue through the Administrative Law Judge process. Vital Records sees fewer than five of these requests per year. Using five requests per year and the estimated cost range, the anticipated annual cost to affected individuals is approximately:

- 5 requests × \$85 = \$425 annually; and
- 5 requests × \$238 = \$1,190 annually.

9. Provide a description of whether there is a probable economic impact for the proposed rule upon affected classes of persons or political subdivisions, require their cooperation in implementing or enforcing the rule. Include a listing of all fee changes and, whenever possible, a separate justification for each fee change. (75 O.S. § 303 part of Version 1 D. 2. d. and Version 2 D. 3. h.)

310.105-3-3 may have a limited economic impact on a small number of individuals whose vital records involve a dispute concerning the identity of a parent. In circumstances where the proposed rule requires a certified district court order establishing the identity of a parent before an amendment may be made, the affected individual may incur costs associated with obtaining the court order. Otherwise, the proposed rule is not expected to have a significant economic impact on businesses, political subdivisions, or other affected classes. The proposed rule does not establish, increase, decrease, or otherwise modify any fees. Existing vital records amendment fees remain unchanged. Therefore, there are no fee changes requiring

10. Describe the probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency. (75 O.S. § 303 Version 1 D. 2. e.)

There are no probable costs to the agency or other state agencies [associated with implementing these proposed rules. Vital Records does not anticipate a need for additional staffing, resources, or technology to implement any of the rules. The proposed rules are not expected to result in a gain or loss of state revenue. No new source of revenue is required to implement or enforce the proposed rules. The proposed rule does not establish, increase, decrease, or otherwise modify any fee.

11. Provide a determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule. (75 O.S. § 303 Version 1 D. 2. f.)

The proposed rules do not have a probable economic impact on political subdivisions associated with the implementation or enforcement of the proposed rules. The rules do not require additional staffing, resources, technology, or expenditures by political subdivisions.

12. Provide a determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act. (75 O.S. § 303 Version 1 D. 2. g. and Version 2 D. 3. i.)

The proposed rules do not have an adverse economic impact on small businesses. The rules do not impose additional costs, requirements, or administrative burdens on small businesses.

13. Provide an explanation of the measures the agency has taken to minimize compliance costs and impact of the proposed rule on business and economic development in this state, local government units of this state, and individuals. (75 O.S. § 303 Version 1 D. 2. h. and Version 2 D. 3. j.)

The agency has minimized compliance costs and economic impact by limiting the proposed rule changes to those necessary to align the statutory authority, clarified existing requirements, and removed a provision that is not supported by statutory authority. The rules do not impose new fees, staffing requirements, technology requirements, or other financial obligations on businesses, economic development activities, local government units, or individuals. Implementation will use existing agency staff, systems, procedures, and resources.

14. Provide a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule. (75 O.S. § 303 Version 1 D. 2. h.)

No less costly or non-regulatory alternative has been identified that would achieve the same outcome. The proposed rules bring administrative code into alignment with statute. Because the proposed rules involve requirements in statute which govern access to, and the registration and modification of confidential vital records, and clarify the State Commissioner of Health's role regarding Vital Records, a regulatory change is the appropriate method for achieving the intended outcome. Additionally, several of the proposed rules remove a provision that is not supported by statutory authority.

15. Provide a determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk. (75 O.S. § 303 Version 1 D. 2. i. and Version 2 D. 3. k.)

The proposed rules are not expected to have an adverse effect on public health, safety, or the environment. The proposed rules are meant to minimize confusion between statutory requirements and existing rule language, so that Administrative Code and state statute align and do not create any confusion. Existing safeguards governing access to vital records will remain in place, including requirements intended to protect the confidentiality and integrity of these records and reduce the potential for fraud or misuse.

16. Provide a determination of any detrimental effect on public health, safety, and environment if the proposed rule is not implemented. (75 O.S. § 303 Version 1 D. 2. j. and Version 2 D. 3. l.)

Failure to implement the proposed rules would maintain existing administrative barriers for individuals who need to obtain birth and death records for public assistance, healthcare, education, and other legitimate needs, which could delay individuals' access health services. Additionally, because data reported by Vital Records is used to inform policy decisions at the local, state, and federal level, clear and consistent procedures aligned with statute related to correcting and amending death records help preserve the accuracy and integrity of this information. Thus, not implementing the proposed rules could have direct and indirect effects on public health and safety.

17. Provide the date the rule impact statement was prepared and if modified, the date modified. (75 O.S. § 303 Version 1 D. 2. k. and Version 2 D. 3. m.)

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18. Provide an analysis of alternatives to adopting the rule. (75 O.S. § 303 Version 1 D. 2. l.)

Alternatives to adopting the proposed rule were considered, but because the proposed rule changes involve bringing the rule into alignment with statute, the proposed rules afford Vital Records no other sufficient avenue to fully achieve the intended purpose of the rule.

Non-regulatory guidance or internal procedures could provide clarification regarding some aspects of the processes discussed by the proposed rules but would not provide the appropriate mechanism to amend regulatory language that is inconsistent with or unsupported by statute.

~~Another alternative would be to address the issue through administrative procedures~~

19. Provide an estimation of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule. (75 O.S. § 303 Version 1 D. 2. m.)

There is no expectation that Vital Records, OSDH Legal Counsel, OSDH Leadership, or the OSDH Policy Team would spend additional time developing the rule. Additionally, there is no expectation that Vital Records, OSDH Legal Counsel, OSDH Leadership, or the OSDH Policy Team would require additional resources to develop the rule. Concerning the drafting of the proposed rules, approximately ten working hours were spent on each of the eleven proposed rules, for a total of 110 working hours.

20. Provide a summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule. (75 O.S. § 303 Version 1 D. 2. n.)

There are no existing or proposed federal regulations that directly address the activities regulated by the proposed rules. Vital records registration and the establishment of requirements governing access to state vital records are primarily functions of state government; therefore, federal regulations would not generally be expected to address the specific access requirements established by these proposed rules.