

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3219

By: West (Kevin)

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2021, Section 1-321, as amended by Section 4, Chapter 87, O.S.L. 2022 (63 O.S. Supp. 2023, Section 1-321), which relates to amendment of certificate or records; prohibiting amendments to biological sex; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-321, as amended by Section 4, Chapter 87, O.S.L. 2022 (63 O.S. Supp. 2023, Section 1-321), is amended to read as follows:

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

B. A certificate that is amended under this section shall be marked "amended", except as provided in subsection D of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on

1 or made a part of the record. The Commissioner shall prescribe by  
2 regulation the conditions under which additions or minor corrections  
3 shall be made to birth certificates within one (1) year after the  
4 date of birth without the certificate being considered as amended.

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

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

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

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

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

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

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

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

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

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

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

4 H. Beginning on ~~the effective date of this act~~ April 26, 2022,  
5 the biological sex designation on a certificate of birth amended  
6 under this section shall be either male or female and shall not be  
7 nonbinary or any symbol representing a nonbinary designation  
8 including but not limited to the letter "X".

9 I. The biological sex designation denoted to a child at birth  
10 shall not be amended.

11 SECTION 2. This act shall become effective November 1, 2024.

13 59-2-8529 TJ 12/07/23