



1 required by the certificate. The physician in attendance shall  
2 certify to the facts of birth and provide the medical information  
3 required by the certificate within five (5) days after the birth.

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

7 1. The physician in attendance at or immediately after the  
8 birth;

9 2. Any other person in attendance at or immediately after the  
10 birth; or

11 3. The father, the mother, or, in the absence or inability of  
12 the father or mother, the person in charge of the premises where the  
13 birth occurred and present at the birth.

14 D. 1. If the mother was married at the time of birth, or  
15 married at any time during the three hundred (300) calendar days  
16 before the birth, the name of the husband shall be entered on the  
17 certificate as the father of the child unless paternity has been  
18 determined otherwise by a court of competent jurisdiction or a  
19 husband's denial of paternity form has been filed along with an  
20 affidavit acknowledging paternity, in which case the name of the  
21 father as determined by the court or affidavit acknowledging  
22 paternity shall be entered.

23 2. If the mother was not married at the time of birth, nor  
24 married at any time during the three hundred (300) calendar days

1 before the birth, the name of the father shall be entered on the  
2 certificate of birth only if:

- 3 a. a determination of paternity has been made by an  
4 administrative action through the Department of Human  
5 Services or a court of competent jurisdiction, in  
6 which case the name of the father shall be entered, or
- 7 b. the mother and father have signed an acknowledgement  
8 of paternity pursuant to Section 1-311.3 of this  
9 title, or substantially similar affidavit from another  
10 state and filed it with the State Registrar of Vital  
11 Statistics.

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

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

1 G. Beginning on the effective date of this act, the biological  
2 sex designation on a certificate of birth issued under this section  
3 shall be either male or female and shall not be nonbinary or any  
4 symbol representing a nonbinary designation including but not  
5 limited to the letter "X".

6 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-313, is  
7 amended to read as follows:

8 Section 1-313. ~~(a)~~ A. When the birth of a person born in this  
9 state has not been registered, a certificate may be filed in  
10 accordance with regulations of the State ~~Board~~ Commissioner of  
11 Health. Such certificate shall be registered subject to such  
12 evidentiary requirements as the ~~Board~~ Commissioner shall by  
13 regulation prescribe, to substantiate the alleged facts of birth.

14 ~~(b)~~ B. Certificates of birth registered one year or more after  
15 the date of occurrence shall be marked "delayed" and show on their  
16 face the date of the delayed registration.

17 ~~(c)~~ C. A summary statement of the evidence submitted in support  
18 of the delayed registration shall be endorsed on the certificate.

19 ~~(d)~~ D. When an applicant does not submit the minimum  
20 documentation required in the regulations for delayed registration,  
21 or when the State Commissioner of Health finds reason to question  
22 the validity or adequacy of the documentary evidence, the  
23 Commissioner shall not register the delayed certificate and shall  
24 advise the applicant of the reasons for his or her action.

1        E. Beginning on the effective date of this act, the biological  
2 sex designation on a certificate of birth issued under this section  
3 shall be either male or female and shall not be nonbinary or any  
4 symbol representing a nonbinary designation including but not  
5 limited to the letter "X".

6        SECTION 3.        AMENDATORY        63 O.S. 2021, Section 1-316, is  
7 amended to read as follows:

8        Section 1-316. A. The State Commissioner of Health shall  
9 establish a new certificate of birth for a person born in this  
10 state, when the Commissioner receives the following:

11        1. An adoption certificate as provided in the Oklahoma Adoption  
12 ~~Act~~ Code, or a certified copy of the decree of adoption together  
13 with the information necessary to identify the original certificate  
14 of birth and to establish a new certificate of birth; except that a  
15 new certificate of birth shall not be established if so requested by  
16 the court decreeing the adoption, the adoptive parents, or the  
17 adopted person; and

18        2. A request that a new certificate be established and such  
19 evidence as required by regulation proving that such person has been  
20 legitimated, or that a court of competent jurisdiction has  
21 determined the paternity of such a person.

22        B. When a new certificate of birth is established, the actual  
23 place and date of birth shall be shown. It shall be substituted for  
24 the original certificate of birth:

1 1. Thereafter, the original certificate and the evidence of  
2 adoption, paternity, or legitimation shall not be amended, nor shall  
3 it be subject to inspection except upon order of a court of  
4 competent jurisdiction or as otherwise specifically provided by law;  
5 and

6 2. Upon receipt of notice of annulment of adoption, the  
7 original certificate of birth shall be restored to its place in the  
8 files and the new certificate and evidence shall not be subject to  
9 inspection except upon order of a court of competent jurisdiction.  
10 The original certificate shall be restored and may be amended in  
11 accordance with Section 1-321 of this title.

12 C. Beginning on the effective date of this act, the biological  
13 sex designation on a new certificate of birth issued under this  
14 section shall be either male or female and shall not be nonbinary or  
15 any symbol representing a nonbinary designation including but not  
16 limited to the letter "X".

17 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-321, is  
18 amended to read as follows:

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

23 B. A certificate that is amended under this section shall be  
24 marked "amended", except as provided in subsection ~~(d)~~ D of this

1 section. The date of amendment and a summary description of the  
2 evidence submitted in support of the amendment shall be endorsed on  
3 or made a part of the record. The Commissioner shall prescribe by  
4 regulation the conditions under which additions or minor corrections  
5 shall be made to birth certificates within one (1) year after the  
6 date of birth without the certificate being considered as amended.

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

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

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

18 2. Upon receipt of a certified copy of a court order  
19 adjudicating paternity; or

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

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

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

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

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

15           G. If within sixty (60) days of the initial issuance of a  
16 certificate of death, a funeral director, or a person acting as  
17 such, requests a correction to any portion of the death record  
18 except the information relating to the medical certification  
19 portion, due to a scrivener's error, misspelling or other correction  
20 of information, the Commissioner of Health, through the State  
21 Registrar of Vital Statistics, shall amend the record, provided ~~said~~  
22 the request is made in writing or through an electronic system and  
23 is accompanied by documentation disclosing the correct information  
24 or by a sworn statement of the funeral director. The funeral



1 director, or person acting as such, shall be responsible for any and  
2 all amendment fees that may be imposed by the Commissioner of Health  
3 for ~~said~~ the correction. Up to ten certified copies containing the  
4 erroneous original information may be exchanged for certified copies  
5 containing the corrected information at no additional cost.

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

11 SECTION 5. It being immediately necessary for the preservation  
12 of the public peace, health or safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/06/2022 -  
17 DO PASS, As Coauthored.

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