

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1891

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to biological sex and gender;
8 amending 63 O.S. 2021, Section 1-321, as amended by
9 Section 4, Chapter 87, O.S.L. 2022 (63 O.S. Supp.
10 2023, Section 1-321), which relates to amendment of
11 certificate or record; imposing certain limitation on
12 amendment of certificates of birth; prohibiting state
13 agency or court from changing or recognizing certain
14 change without specified sex chromosome test;
15 providing exception; updating statutory language;
16 updating statutory reference; providing for
17 codification; and providing an effective date.

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

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

22 Section 1-321. A. A certificate or record registered under
23 this article may be amended only in accordance with this article and
24 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

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

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

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

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

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

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

22 E. For a child born out of wedlock, the Commissioner shall also
23 change the surname of the child on the certificate:
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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 State Commissioner of Health, through the State
21 Registrar of Vital Statistics, shall amend the record, provided the
22 request is made in writing or through an electronic system and is
23 accompanied by documentation disclosing the correct information or
24 by a sworn statement of the funeral director. The funeral director,

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

6 H. 1. Beginning on ~~the effective date of this act~~ April 26,
7 2022, the biological sex designation on a certificate of birth
8 amended under this section shall be either male or female and shall
9 not be nonbinary or any symbol representing a nonbinary designation
10 including but not limited to the letter "X".

11 2. A certificate of birth shall not be amended under this
12 section to change the biological sex designation except as provided
13 by Section 2 of this act.

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-335 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Except as provided by subsection B of this section, no
18 agency or court of this state shall, through any rule, policy,
19 procedure, practice, order, decree, or any other means, change or
20 recognize the change of the biological sex or gender of any person
21 without an independently verified sex chromosome test whose results
22 match the gender or biological sex the person is seeking change to
23 or for which the person is seeking recognition.

1 B. Subsection A of this section shall not apply to individuals
2 born with ambiguous genitalia, incomplete genitalia, or both male
3 and female anatomy, or biochemically verifiable disorder of sex
4 development (DSD), including but not limited to:

- 5 1. 46,XX DSD;
- 6 2. 46,XY DSD;
- 7 3. Sex chromosomes DSDs;
- 8 4. XX or XY sex reversal; and
- 9 5. Ovotesticular disorder.

10 SECTION 3. This act shall become effective November 1, 2024.

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