

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 916

By: Jett

AS INTRODUCED

An Act relating to vital records; amending 63 O.S. 2021, Section 1-311, as last amended by Section 1, Chapter 87, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-311), which relates to birth certificates; requiring birth certificates to include section for pre-birth for certain infants; directing State Department of Health to issue pre-birth certificate under certain conditions; granting pre-birth certificate same validity as other birth certificates; requiring attending physician or other healthcare professional to create separate medical file for unborn child under certain condition; requiring submission of necessary documentation for specified purpose; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-311, as last amended by Section 1, Chapter 87, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-311), is amended to read as follows:

Section 1-311. A. A certificate of birth for each live birth which occurs in this state shall be filed with the State Registrar of Vital Statistics, within seven (7) days after the birth.

1 B. When a birth occurs in an institution, the person in charge  
2 of the institution or a designated representative shall obtain the  
3 personal data, prepare the certificate and secure the signatures  
4 required by the certificate. The physician in attendance shall  
5 certify to the facts of birth and provide the medical information  
6 required by the certificate within five (5) days after the birth.

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

10 1. The physician in attendance at or immediately after the  
11 birth;

12 2. Any other person in attendance at or immediately after the  
13 birth; or

14 3. The father, the mother or, in the absence or inability of  
15 the father or mother, the person in charge of the premises where the  
16 birth occurred and present at the birth.

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

3 2. If the mother was not married at the time of birth, nor  
4 married at any time during the three hundred (300) calendar days  
5 before the birth, the name of the father shall be entered on the  
6 certificate of birth only if:

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

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

20 F. If the live birth results from a process in which the  
21 delivering mother was carrying the child of another woman by way of  
22 a prearranged legal contract, the original birth certificate shall  
23 be filed with the personal information of the woman who delivered  
24 the child. A new birth certificate will be placed on file once the

1 State Registrar receives both a court order and a completed form  
2 prescribed by the State Registrar which identifies the various  
3 parties and documents the personal information of the intended  
4 parents necessary to complete the new birth certificate.

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

10 H. A certificate of birth issued under this section shall  
11 include, for any infant who has a pre-birth certificate issued under  
12 Section 2 of this act, a section for pre-birth which shall document  
13 the date of the first documented heartbeat of the child.

14 SECTION 2. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1-316.1 of Title 63, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. The State Department of Health shall issue a pre-birth  
18 certificate to pregnant women in this state who apply for such  
19 certificate on behalf of their unborn child and submit such  
20 documentation as may be required by the State Department of Health  
21 to verify the first documented heartbeat of the unborn child. The  
22 first documented heartbeat shall be the date that is documented on  
23 the pre-birth certificate. The pre-birth certificate shall be  
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1 issued within seven (7) days of receipt of all necessary information  
2 or documentation.

3 B. A pre-birth certificate issued under this section shall have  
4 the same validity as any other birth certificate issued by the  
5 Department for all purposes including, but not limited to,  
6 insurance, public benefits, and legal purposes.

7 C. Upon the first documented heartbeat of an unborn child by  
8 the attending physician or other healthcare professional of a  
9 pregnant woman, as determined by a fetal doppler or obstetric  
10 ultrasound, the attending physician or other healthcare professional  
11 shall create a separate medical record file for the unborn child.  
12 At the request of the pregnant woman or the Department, the  
13 physician or healthcare professional shall submit documentation  
14 necessary for any verification required under subsection A of this  
15 section within seven (7) days of the request.

16 SECTION 3. This act shall become effective November 1, 2023.

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