

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3219

 By: West (Kevin) of the House

5 and

6 **Hamilton** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to public health and safety; amending
11 63 O.S. 2021, Section 1-321, as amended by Section 4,
12 Chapter 87, O.S.L. 2022 (63 O.S. Supp. 2023, Section
13 1-321), which relates to amendment of certificate or
14 records; prohibiting amendments to biological sex;
15 and providing an effective date.

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

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

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

1 B. A certificate that is amended under this section shall be
2 marked "amended", except as provided in subsection D of this
3 section. The date of amendment and a summary description of the
4 evidence submitted in support of the amendment shall be endorsed on
5 or made a part of the record. The Commissioner shall prescribe by
6 regulation the conditions under which additions or minor corrections
7 shall be made to birth certificates within one (1) year after the
8 date of birth without the certificate being considered as amended.

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

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

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

20 2. Upon receipt of a certified copy of a court order
21 adjudicating paternity; or

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

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

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

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

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

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

1 accompanied by documentation disclosing the correct information or
2 by a sworn statement of the funeral director. The funeral director,
3 or person acting as such, shall be responsible for any and all
4 amendment fees that may be imposed by the Commissioner of Health for
5 the correction. Up to ten certified copies containing the erroneous
6 original information may be exchanged for certified copies
7 containing the corrected information at no additional cost.

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

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

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

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17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
18 02/13/2024 - DO PASS, As Coauthored.

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