

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1100 by substituting the attached floor substitute (Request #3740) for the title, enacting clause and entire body of the measure.

Submitted by:

Michael Bergstrom
Senator Bergstrom

I hereby grant permission for the floor substitute to be adopted.

[Signature]
Senator Rosino, Chair (required)

[Signature]
Senator Hicks

[Signature]
Senator Haste

[Signature]
Senator Pugh

[Signature]
Senator Daniels

[Signature]
Senator Simpson

[Signature]
Senator Dosssett (J.A.)

[Signature]
Senator Standridge

[Signature]
Senator Garvin

[Signature]
Senator Young

[Signature]
Senator Treat, President Pro Tempore

[Signature]
Senator McCartney, Majority Floor Leader

Note: Health and Human Services committee majority requires six (6) members' signatures.

Bergstrom-DC-FS-SB1100
3/22/2022 10:13 AM

(Floor Amendments Only)

Date and Time Filed: 3-22-22

10:28 am jd

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1100

By: Bergstrom, Bullard,
Merrick, Jett, Pemberton,
and Daniels of the Senate

and

Dills of the House

FLOOR SUBSTITUTE

An Act relating to vital records; amending 63 O.S.
2021, Sections 1-311, 1-313, 1-316, and 1-321, which
relate to certificates of birth; limiting biological
sex designation on certificate of birth to male or
female; prohibiting nonbinary designation; making
language gender neutral; updating statutory language;
and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, 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.

B. When a birth occurs in an institution, the person in charge
of the institution or a designated representative shall obtain the

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

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

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

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

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

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

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

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

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

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

1 parties and documents the personal information of the intended
2 parents necessary to complete the new birth certificate.

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

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

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

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

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

21 ~~(d)~~ D. When an applicant does not submit the minimum
22 documentation required in the regulations for delayed registration,
23 or when the State Commissioner of Health finds reason to question
24 the validity or adequacy of the documentary evidence, the

1 Commissioner shall not register the delayed certificate and shall
2 advise the applicant of the reasons for his or her action.

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

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

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

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

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

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

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

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

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

20 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-321, is
21 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

1 regulations thereunder adopted by the State Commissioner of Health
2 to protect the integrity and accuracy of vital statistics records.

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

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

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

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

22 2. Upon receipt of a certified copy of a court order
23 adjudicating paternity; or
24

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

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

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

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

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

20 G. If within sixty (60) days of the initial issuance of a
21 certificate of death, a funeral director, or a person acting as
22 such, requests a correction to any portion of the death record
23 except the information relating to the medical certification
24 portion, due to a scrivener's error, misspelling or other correction

1 of information, the Commissioner of Health, through the State
2 Registrar of Vital Statistics, shall amend the record, provided ~~said~~
3 the request is made in writing or through an electronic system and
4 is accompanied by documentation disclosing the correct information
5 or by a sworn statement of the funeral director. The funeral
6 director, or person acting as such, shall be responsible for any and
7 all amendment fees that may be imposed by the Commissioner of Health
8 for ~~said~~ the correction. Up to ten certified copies containing the
9 erroneous original information may be exchanged for certified copies
10 containing the corrected information at no additional cost.

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

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

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21 58-2-3740 DC 3/22/2022 11:03:03 AM

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