

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3193

By: Williams

AS INTRODUCED

An Act relating to birth certificates; amending 63 O.S. 2021, Section 1-311, which relates to contents of a birth certificate; modifying requirement; requiring a father's name listed; 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, 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, 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 personal data, prepare the certificate, and secure the signatures required by the certificate. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five (5) days after the birth.

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

4 1. The physician in attendance at or immediately after the
5 birth;

6 2. Any other person in attendance at or immediately after the
7 birth; or

8 3. The father, the mother, or, in the absence or inability of
9 the father or mother, the person in charge of the premises where the
10 birth occurred and present at the birth.

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

20 2. If the mother was not married at the time of birth, nor
21 married at any time during the three hundred (300) calendar days
22 before the birth, the name of the father shall be entered on the
23 certificate of birth ~~only if~~ the mother and father agree as to the
24 biological paternity of the child, and this shall give the mother

1 and father equal rights and obligations to the child. A child's
2 parentage who has been determined as set forth shall be treated as a
3 child of parents who were married at the time of the birth.

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

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

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

3 SECTION 2. This act shall become effective November 1, 2022.
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