

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3931

By: Stark

7 POLICY COMMITTEE RECOMMENDATION

8 An Act relating to death certificates; amending 63
9 O.S. 2021, Section 1-321, as last amended by Section
10 10, Chapter 58, O.S.L. 2025 (63 O.S. Supp. 2025,
11 Section 1-321), which relates to amendment of
12 certificate or record; allowing for corrections of a
13 death certificate after one year; providing for
14 promulgation of rules; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-321, as
17 last amended by Section 10, Chapter 58, O.S.L. 2025 (63 O.S. Supp.
18 2025, Section 1-321), is amended to read as follows:

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

23 B. A certificate that is amended under this section shall be
24 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.

3 The Commissioner shall prescribe by regulation the conditions under
4 which additions or minor corrections shall be made to birth
5 certificates within one (1) year after the date of birth without the
6 certificate being considered as amended. Certificates shall be
7 marked as "amended" for minor corrections made one (1) year after
8 the date of birth.

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 Commissioner of Health shall
13 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 acknowledgment 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 acknowledgment 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 Department receives false
15 information regarding the identity of a parent.

16 G. If within one (1) year of the initial issuance of a
17 certificate of death, a funeral director, or a person acting as
18 such, requests a correction to any portion of the death record
19 except the information relating to the medical certification
20 portion, due to a scrivener's error, misspelling or other correction
21 of information, the Commissioner of Health, through the State
22 Registrar of Vital Statistics, shall amend the record, provided the
23 request is made in writing or through an electronic system and is
24 accompanied by documentation disclosing the correct information or

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

7 H. Any applicant that desires to make a change, alteration, or
8 amendment, one (1) year or more after the initial issuance of a
9 certificate of death, may file a petition with the Administrative
10 Hearing Clerk pursuant to OAC 310:2 and seek a final decision by an
11 Administrative Law Judge granting the relief requested. The
12 applicant shall bear the burden of proof, by clear and convincing
13 evidence that the proposed change, alteration, or amendment sought
14 by the applicant corrects an error or misstatement of fact as to any
15 information supplied to the State Registrar by the funeral home.

16 I. The Commissioner of Health shall promulgate rules and
17 standards necessary to allow the Department to amend vital
18 statistics for minor corrections for other purposes determined
19 necessary in order to protect the integrity and accuracy of the
20 records.

21 J. Beginning April 26, 2022, the biological sex designation on
22 a certificate of birth amended under this section shall be either
23 male or female and shall not be nonbinary or any symbol representing
24 a nonbinary designation including but not limited to the letter "X".

1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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