

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 60th Legislature (2026)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3931

By: Stark of the House

and

Jech of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

19 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-321, as
20 last amended by Section 10, Chapter 58, O.S.L. 2025 (63 O.S. Supp.
21 2025, Section 1-321), is 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 regulations thereunder adopted by the Commissioner of Health 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.
6 The Commissioner shall prescribe by regulation the conditions under
7 which additions or minor corrections shall be made to birth
8 certificates within one (1) year after the date of birth without the
9 certificate being considered as amended. Certificates shall be
10 marked as "amended" for minor corrections made one (1) year after
11 the date of birth.

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

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

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

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

1 3. Upon receipt of an electronic record from the Department of
2 Human Services indicating that an acknowledgment 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 acknowledgment 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 Department receives false
18 information regarding the identity of a parent.

19 G. If within one (1) year of the initial issuance of a
20 certificate of death, a funeral director, or a person acting as
21 such, requests a correction to any portion of the death record
22 except the information relating to the medical certification
23 portion, due to a scrivener's error, misspelling or other correction
24 of information, the Commissioner of Health, through the State

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

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

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

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

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

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10 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
11 OVERSIGHT, dated 02/26/2026 - DO PASS, As Amended and Coauthored.
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