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April 8, 2019

ENGROSSED HOUSE
BILL NO. 1175

By: Perryman of the House

and

Coleman of the Senate

An Act relating to public health and safety; amending 63 O.S. 2011, Section 1-321, which relates to the amendment of certificate or record; providing for amendment of death certificate; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-321, is amended to read as follows:

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

(b) A certificate that is amended under this section shall be marked "amended", except as provided in subsection (d) of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The Board shall prescribe by

1 regulation the conditions under which additions or minor corrections
2 shall be made to birth certificates within one (1) year after the
3 date of birth without the certificate being considered as amended.

4 (c) Upon receipt of a certified copy of a court order, from a
5 court of competent jurisdiction, changing the name of a person born
6 in this state and upon request of such person or his parent,
7 guardian, or legal representative, the State Commissioner of Health
8 shall amend the certificate of birth to reflect the new name.

9 (d) When a child is born out of wedlock, the Commissioner shall
10 amend a certificate of birth to show paternity, if paternity is not
11 currently shown on the birth certificate, in the following
12 situations:

13 (1) Upon request and receipt of a sworn acknowledgment of
14 paternity of a child born out of wedlock signed by both parents; or

15 (2) Upon receipt of a certified copy of a court order
16 establishing paternity.

17 (e) For a child born out of wedlock, the Commissioner shall
18 also change the surname of the child on the certificate:

19 (1) To the specified surname upon receipt of acknowledgment of
20 paternity signed by both parents or upon receipt of a certified copy
21 of a court order directing such name be changed. Such certificate
22 amended pursuant to this subsection shall not be marked "amended";
23 or
24

1 (2) To the surname of the mother on the birth certificate in
2 the event the acknowledgment of paternity is rescinded.

3 (f) The State Board of Health shall have the power and duty to
4 promulgate rules for situations in which the State Registrar of
5 Vital Statistics receives false information regarding the identity
6 of a parent.

7 (g) If within sixty (60) days of the initial issuance of a
8 certificate of death, a funeral director, or a person acting as
9 such, requests a correction to any portion of the death record
10 except the information relating to the medical certification
11 portion, due to a scrivener's error, misspelling or other correction
12 of information, the Commissioner of Health, through the State
13 Registrar of Vital Statistics, shall amend the record, provided said
14 request is made in writing or through an electronic system and is
15 accompanied by documentation disclosing the correct information or
16 by a sworn statement of the funeral director. The funeral director,
17 or person acting as such, shall be responsible for any and all
18 amendment fees that may be imposed by the Commissioner of Health for
19 said correction. Up to ten certified copies containing the
20 erroneous original information may be exchanged for certified copies
21 containing the corrected information at no additional cost.

22 SECTION 2. This act shall become effective November 1, 2019.

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
24 April 8, 2019 - DO PASS