

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority - Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

Implementation of Senate Bill 163, identifying processes and requirements for establishing parentage of a child

Rule Caption

In the Matter of: Adoption, amendment and repeal of rules under OAR chapter 333, division 11 pertaining to vital statistics

Statutory Authority: ORS 432.015, ORS 413.042

Other Authority: ORS 432.005, 432.010, 432.030, 432.033

Stats. Implemented: ORS 109.002, 109.067, ORS 109.070, ORS 109.242, ORS 432.010, ORS 432.030, ORS 432.075, ORS 432.088, ORS 432.093, ORS 432.098, 432.235, 432.245, 432.250, ORS 432.435

Need for the Rule(s):

The purpose of this rulemaking is to adopt new rules required by passage of Senate Bill 163 (OL 2025, ch. 592) during the 2025 Oregon Legislative Session. Portions of Senate Bill 163 have an implementation date of January 1, 2027 and are addressed by this rulemaking.

Senate Bill 163 modifies how parentage of a child is established in Oregon. Senate Bill 163 requires the Oregon Health Authority (OHA), Public Health Division, Center for Health Statistics to adopt rules to (1) establish standards for preparing reports of live birth for the new methods for establishing parentage; (2) add parents to reports of live births who are not married but intend to; (3) establish parentage with a witnessed voluntary acknowledgment of parentage; (4) establish parentage with a notarized voluntary acknowledgment of parentage; (5) establish a denial of parentage process; (6) establish a process for rescission of acknowledgment or denial of parentage; and (7) establish a process to register the birth of a child under a gestational surrogacy agreement. The rulemaking will also repeal the previous rule that established the processes of acknowledgment of parentage as a new rule is replacing it and will amend the rule on preparation of new birth records after amendment.

Documents Relied Upon, and where they are available:

Senate Bill 163 and testimony presented during legislative hearings.

<https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB163>

The following forms were used to develop the rules:

- Voluntary Acknowledgment of Parentage 45-31 (1/26) (available upon request)
- [Voluntary Acknowledgment of Parentage Affidavit 45-21 \(1/26\)](#)
- Forms from Washington related to [gestational surrogacy](#), [denial of parentage](#) and [rescission of parentage](#) were referenced when preparing the Oregon rules.

The following new worksheets and forms are referenced in the new rules. They are currently in draft form:

- Birth Record Parent Worksheet (OHA 9704)
- Notarized Acknowledgment of Parentage (45-21)
- Witnessed Voluntary Acknowledgment of Parentage (45-31)
- Denial of Parentage (45-21D)
- Rescission of Acknowledgment or Denial of Parentage (45-21R)
- Birth Record Parent Worksheet Surrogacy (OHA 9704S)
- Gestational Surrogate and Intended Parent Information Sheet (45-22)

Statement Identifying How Adoption of Rule(s) Will Affect Racial Equity in This State:

The rules increase equitable access to parentage in Oregon by removing gender designations for parental roles. They also implement administrative processes directed by Senate Bill 163 to add or remove parents from birth records that are less expensive and time-consuming than judicial proceedings. Unmarried parents are more likely to use these processes as married parents are generally automatically added to the birth record.

The percentage of births in Oregon where the person who gave birth is not married or in a registered domestic partnership varies by race and ethnicity.

2025 percentage of Oregon births where the person who gave birth was not married:

All Oregon births	37%
American Indian or Alaskan Native	68%
Black	44%
Hispanic ethnicity	54%
Native Hawaiian or Pacific Islander	12%
One or more races	44%
Unknown race	40%
White	30%

The percentages above show that some communities of color are experiencing a higher percentage of non-marital births, compared to white communities. The new processes proposed in the rule change may reduce barriers and positively impact those communities who will be more likely to utilize these new parentage processes, thus increasing the addition of parents on birth records in the state. This suggests that some racial or ethnic communities may be more likely to use administrative processes proposed in the new rules to add a parent to a birth record.

Because some communities of color may be more likely to utilize some of the parentage establishment processes, it is important to recognize barriers associated in navigating these processes, such as language access, access to relevant and accurate information, or financial hardships. For example, many communities speak primary languages other than English, which can increase barriers or difficulties navigating these forms and timelines. The rules provide clarification of the processes for adding parents that include information on when fees should be paid, when forms can be accepted, and when parties are notified. Having this level of detail in the rules will help individuals and families navigate a rather complicated process.

Fiscal and Economic Impact:

The anticipated fiscal and economic impact is unknown. Additional fees for amendments generated are unknown but will not cover the expenses to prepare and implement new forms, procedures, and rules. Current expenditures in the Amendments program are significantly higher than the revenue generated by amendment fees.

Individuals from the public who wish to add or remove themselves as parents on a birth record can do so through the processes outlined in these rules. There are fees associated with filing notarized acknowledgment of parentage, denial of parentage, and rescission of acknowledgment or denial of parentage. No new fees are established in these rules. In some cases, a fee is not required if filed within a particular time frame from the date of birth, which reduces the economic impact on members of the public.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b):

The Oregon Health Authority, Public Health Division, Center for Health Statistics is fiscally impacted by these rules. The Center for Health Statistics is the sole agency responsible for amending those records as outlined in Senate Bill 163. The rules require additional staffing and information technology resources to update forms, develop training, and modify the state's vital records system. The Center for Health Statistics will receive some fees for the services provided but the additional tasks identified in rule will not be fully funded by the fees. No other state agencies or units of local government will have a cost of compliance impact.

Individuals from the public who wish to add or remove themselves as parents on a birth record can do so through the processes outlined in these rules. There are fees associated with filing notarized acknowledgment of parentage, denial of parentage, and rescission of acknowledgment or denial of parentage. No new fees are established in these rules.

2. Cost of compliance effect on small business (ORS 183.336): **ORS 183.310(10) defines small business as "a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses and which has 50 or fewer employees."**

- a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

An estimated 30 small businesses that offer midwifery services and that are responsible for reporting births are subject to the rules. These businesses will be required to follow the new rules related to the standards for reporting births, gathering information related to parents intending to marry, provide notarized acknowledgment or denial of parentage forms to parents if requested and complete the intended and gestational surrogacy information on birth records as required by the new rules.

- b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The new rules establish the process for recordkeeping of parent and facility worksheets that are currently in practice. Additional information gathered from parents will be provided on forms provided by the Center for Health Statistics. Forms that may need to be provided to parents will be provided by the Center for Health Statistics. Training and instructions will be provided by the Center for Health

Statistics. The reporting, recordkeeping, and administrative work for small businesses (midwives, independent birthing centers) is already happening and has been for many years. The new and amended rules add some additional forms and processes, but the majority of the work is already being performed. The exact costs are unknown, but likely to be minimal.

c. Equipment, supplies, labor and increased administration required for compliance:

All forms will be provided by the Center for Health Statistics. The time it takes to gather the information from parents to complete birth records may increase, resulting in more labor costs for completing each birth record. Small businesses may have costs relating to training time for staff on new rules and forms.

How were small businesses involved in the development of this rule?

Midwives and birthing center representatives were included in the RAC.

Administrative Rule Advisory Committee consulted?:

Yes.

If not, why?:

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007