

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 709

By: McCortney

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6 AS INTRODUCED

7 An Act relating to the State Commissioner of Health;
8 amending 63 O.S. 2011, Section 1-106, which relates
9 to qualifications; exempting Commissioner from
10 certain qualifications under certain conditions;
11 updating language; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-106, is
14 amended to read as follows:

15 Section 1-106. A. The State Commissioner of Health shall serve
16 at the pleasure of the ~~State Board of Health~~ Governor, and shall
17 have skill and experience in public health duties and sanitary
18 sciences and shall meet at least one of the following
19 qualifications:

20 1. Possession of a Doctor of Medicine Degree and a license to
21 practice medicine in this state;

22 2. Possession of an Osteopathic Medicine Degree and a license
23 to practice medicine in this state;

1 3. Possession of a Doctoral degree in Public Health or Public
2 Health Administration; or

3 4. Possession of a Master of Science Degree and a minimum of
4 five (5) years of supervisory experience in the administration of
5 health services.

6 B. The Commissioner shall be exempt from all qualifications
7 enumerated in subsection A of this section if the Commissioner
8 possesses at least a master's degree and has experience in
9 management of state agencies or large projects.

10 C. The Commissioner shall have the following powers and duties,
11 unless otherwise directed by the ~~State Board of Health~~ Governor:

12 1. Have general supervision of the health of the citizens of
13 the state; make investigations, inquiries and studies concerning the
14 causes of disease and injury, and especially of epidemics, and the
15 causes of mortality, and the effects of localities, employment,
16 conditions and circumstances on the public health; investigate
17 conditions as to health, sanitation and safety of schools, prisons,
18 public institutions, mines, public conveyances, camps, places of
19 group abode, and all buildings and places of public resort, and
20 recommend, prescribe and enforce such measures of health, sanitation
21 and safety for them as the Commissioner deems advisable; take such
22 measures as deemed necessary by the Commissioner to control or
23 suppress, or to prevent the occurrence or spread of, any
24 communicable, contagious or infectious disease, and provide for the

1 segregation and isolation of persons having or suspected of having
2 any such disease; designate places of quarantine or isolation;
3 advise state and local governments on matters pertaining to health,
4 sanitation and safety; and abate any nuisance affecting injuriously
5 the health of the public or any community. Any health information
6 or data acquired by the Commissioner from any public agency, which
7 information or data is otherwise confidential by state or federal
8 law, shall remain confidential notwithstanding the acquisition of
9 this information by the Commissioner.

10 2. Be the executive officer and supervise the activities of the
11 State Department of Health, and act for the Department in all
12 matters except as may be otherwise provided in this Code; administer
13 oaths at any hearing or investigation conducted pursuant to this
14 Code; and enforce rules and standards adopted by the ~~State Board of~~
15 ~~Health~~ Commissioner. All rules adopted by the ~~State Board of Health~~
16 Commissioner are subject to the terms and conditions of the
17 Administrative Procedures Act.

18 3. Appoint an Assistant State Commissioner of Health and fix
19 the qualifications, duties and compensation of the Assistant State
20 Commissioner of Health; and employ, appoint and contract with, and
21 fix the qualifications, duties and compensation of, such other
22 assistants, doctors, engineers, attorneys, sanitarians, nurses,
23 laboratory personnel, administrative, clerical and technical help,
24 investigators, aides and other personnel and help, either on a full-

1 time, part-time, fee or contractual basis, as shall be deemed by the
2 Commissioner necessary, expedient, convenient or appropriate to the
3 performance or carrying out of any of the purposes, objectives or
4 provisions of this Code, or to assist the Commissioner in the
5 performance of official duties and functions.

6 4. Cause investigations, inquiries and inspections to be made,
7 and hold hearings and issue orders pursuant to the provisions of the
8 Administrative Procedures Act, to enforce and make effective the
9 provisions of this Code, and all rules and standards adopted by the
10 ~~State Board of Health~~ Commissioner pursuant to law and the
11 Commissioner or the representative of the Commissioner shall have
12 the right of access to any premises for such purpose at any
13 reasonable time, upon presentation of identification.

14 5. Authorize persons in the State Department of Health to
15 conduct investigations, inquiries and hearings, and to perform other
16 acts that the Commissioner is authorized or required to conduct or
17 perform personally.

18 6. Except as otherwise provided by law, all civil and criminal
19 proceedings under this Code shall be initiated and prosecuted by the
20 district attorney where the violation takes place.

21 7. Issue subpoenas for the attendance of witnesses and the
22 production of books and records at any hearing to be conducted by
23 the Commissioner ~~or the State Board of Health~~; and if a person
24 disobeys any such subpoena, or refuses to give evidence before, or
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1 to allow books and records to be examined by, the Commissioner ~~or~~
2 ~~the Board~~ after such person is directed to do so, the Commissioner
3 may file a contempt proceeding in the district court of the county
4 in which the premises involved are situated, or, if no premises are
5 involved, of the county in which such person resides or has a
6 principal place of business, and a judge of such court, after a
7 trial de novo, may punish the offending person for contempt.

8 8. Unless otherwise required by the terms of a federal grant,
9 sell, exchange or otherwise dispose of personal property that has
10 been acquired by the State Department of Health, or any of its
11 components, when such property becomes obsolete or is no longer
12 needed; any money derived therefrom shall be deposited in the Public
13 Health Special Fund.

14 9. Sell films, educational materials, biological products and
15 other items produced by the State Department of Health; and all
16 proceeds therefrom shall be deposited in the Public Health Special
17 Fund.

18 10. Revoke or cancel, or suspend for any period up to one (1)
19 year, any license or permit issued under or pursuant to this Code,
20 or by the Commissioner, when the Commissioner determines that ground
21 therefor as prescribed by this Code exists, or that the holder of
22 such license or permit has violated any law, or any of the
23 provisions of this Code, or any rules or standards of the ~~State~~
24 ~~Board of Health~~ Commissioner filed with the Secretary of State, but

1 the Commissioner shall first afford the holder an opportunity to
2 show cause why the license or permit should not be revoked, canceled
3 or suspended, notice of such opportunity to be given by certified
4 United States Mail to the holder of the license or permit at the
5 last-known address of such holder.

6 11. Accept, use, disburse and administer grants, allotments,
7 gifts, devises, bequests, appropriations and other monies and
8 property offered or given to the State Department of Health, or any
9 component or agency thereof, by any agency of the federal
10 government, or any corporation or individual.

11 12. Be the official agency of the State of Oklahoma in all
12 matters relating to public health which require or authorize
13 cooperation of the State of Oklahoma with the federal government or
14 any agency thereof; coordinate the activities of the State
15 Department of Health with those of the federal government or any
16 department or agency thereof, and with other states, on matters
17 pertaining to public health, and enter into agreements for such
18 purpose, and may accept, use, disburse and administer, for the
19 office of the Commissioner or for the State Department of Health,
20 for any purpose designated and on the terms and conditions thereof,
21 grants of money, personnel and property from the federal government
22 or any department or agency thereof, or from any state or state
23 agency, or from any other source, to promote and carry on in this
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1 state any program relating to the public health or the control of
2 disease, and enter into agreements for such purposes.

3 13. The State Commissioner of Health may appoint commissioned
4 peace officers, certified by the Council on Law Enforcement
5 Education and Training, to investigate violations of the Public
6 Health Code and to provide security to Department facilities.

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

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