

1 **SENATE FLOOR VERSION**

2 February 14, 2022

3 SENATE BILL NO. 709

By: Rosino

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5
6 An Act relating to the State Commissioner of Health;
7 amending 63 O.S. 2021, Section 1-106, which relates
8 to qualifications; exempting Commissioner from
9 certain qualifications under certain conditions;
10 updating statutory language; and declaring an
11 emergency.

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

13 SECTION 1. AMENDATORY 63 O.S. 2021, 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;

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

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

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

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

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

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

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

16 3. Appoint an Assistant State Commissioner of Health and fix
17 the qualifications, duties and compensation of the Assistant State
18 Commissioner of Health; and employ, appoint and contract with, and
19 fix the qualifications, duties and compensation of, such other
20 assistants, doctors, engineers, attorneys, sanitarians, nurses,
21 laboratory personnel, administrative, clerical and technical help,
22 investigators, aides and other personnel and help, either on a full-
23 time, part-time, fee or contractual basis, as shall be deemed by the
24 Commissioner necessary, expedient, convenient or appropriate to the

1 performance or carrying out of any of the purposes, objectives or
2 provisions of this Code, or to assist the Commissioner in the
3 performance of official duties and functions.

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

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

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

19 7. Issue subpoenas for the attendance of witnesses and the
20 production of books and records at any hearing to be conducted by
21 the Commissioner ~~or the State Board of Health~~; and if a person
22 disobeys any such subpoena, or refuses to give evidence before, or
23 to allow books and records to be examined by, the Commissioner ~~or~~
24 ~~the Board~~ after such person is directed to do so, the Commissioner

1 may file a contempt proceeding in the district court of the county
2 in which the premises involved are situated, or, if no premises are
3 involved, of the county in which such person resides or has a
4 principal place of business, and a judge of such court, after a
5 trial de novo, may punish the offending person for contempt.

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

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

16 10. Revoke or cancel, or suspend for any period up to one (1)
17 year, any license or permit issued under or pursuant to this Code,
18 or by the Commissioner, when the Commissioner determines that ground
19 therefor as prescribed by this Code exists, or that the holder of
20 such license or permit has violated any law, or any of the
21 provisions of this Code, or any rules or standards of the ~~State~~
22 ~~Board of Health~~ Commissioner filed with the Secretary of State, but
23 the Commissioner shall first afford the holder an opportunity to
24 show cause why the license or permit should not be revoked, canceled

1 or suspended, notice of such opportunity to be given by certified
2 United States Mail to the holder of the license or permit at the
3 last-known address of such holder.

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

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

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

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.

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 February 14, 2022 - DO PASS

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