

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 658

By: Standridge, Bullard and
Hamilton of the Senate

6 and

7 West (Kevin), Stearman,
8 Humphrey and McDugle of the
9 House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2011,
12 Section 1210.191, which relates to required
13 immunizations; requiring the State Department of
14 Education and school districts to provide certain
15 information to parents; updating statutory term;
16 prohibiting certain entities from implementing
17 specified requirements; defining terms; establishing
18 criteria for certain entities to implement a mask
19 mandate; specifying requirements for mandate;
20 authorizing challenge to mandate; prescribing
21 procedures related thereto; providing for
22 codification; providing an effective date; and
23 declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.191, is
amended to read as follows:

Section 1210.191. A. No minor child shall be admitted to any
public, private, or parochial school operating in this state unless

1 and until certification is presented to the appropriate school
2 authorities from a licensed physician, or authorized representative
3 of the State Department of Health, that such child has received or
4 is in the process of receiving, immunizations against diphtheria,
5 pertussis, tetanus, haemophilus influenzae type B (HIB), measles
6 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is
7 likely to be immune as a result of the disease.

8 B. Immunizations required, and the manner and frequency of
9 their administration, as prescribed by the State ~~Board~~ Commissioner
10 of Health, shall conform to recognized standard medical practices in
11 the state. The State Department of Health shall supervise and
12 secure the enforcement of the required immunization program. The
13 State Department of Education and the governing boards of the school
14 districts of this state shall render reasonable assistance to the
15 State Department of Health in the enforcement of the provisions
16 hereof.

17 C. The ~~State Board of Health~~ Commissioner, by rule, may alter
18 the list of immunizations required after notice and hearing. Any
19 change in the list of immunizations required shall be submitted to
20 the next regular session of the Legislature and such change shall
21 remain in force and effect unless and until a concurrent resolution
22 of disapproval is passed. Hearings shall be conducted by the ~~State~~
23 ~~Board of Health~~ Commissioner, or such officer, agents or employees
24 as the ~~Board of Health~~ Commissioner may designate for that purpose.

1 The ~~State Board of Health~~ Commissioner shall give appropriate notice
2 of the proposed change in the list of immunizations required and of
3 the time and place for hearing. The change shall become effective
4 on a date fixed by the ~~State Board of Health~~ Commissioner. Any
5 change in the list of immunizations required may be amended or
6 repealed in the same manner as provided for its adoption.
7 Proceedings pursuant to this subsection shall be governed by the
8 Administrative Procedures Act.

9 D. The State Department of Education and the governing boards
10 of the school districts of this state shall provide for release to
11 the Oklahoma Health Care Authority of the immunization records of
12 school children covered under Title XIX or Title XXI of the federal
13 Social Security Act who have not received the required immunizations
14 at the appropriate time. The information received pursuant to such
15 release shall be transmitted by the Oklahoma Health Care Authority
16 to medical providers who provide services to such children pursuant
17 to Title XIX or Title XXI to assist in their efforts to increase the
18 rate of childhood immunizations pursuant to the requirements of the
19 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)
20 services provisions. The provisions of this subsection shall not be
21 construed to prohibit or affect the eligibility of any child to
22 receive benefits pursuant to Title XIX or Title XXI of the Social
23 Security Act or to require the immunization of any child if such
24 child is exempt from the immunization requirements pursuant to law.

1 The name of any child exempt from immunization pursuant to Section
2 1210.192 of this title shall not be included in the information
3 transmitted pursuant to this subsection.

4 E. The State Department of Education shall provide and ensure
5 that each school district in this state provides, on the school
6 district website and in any notice or publication provided to
7 parents regarding immunization requests, the following information
8 regarding immunization requirements for school attendance: "For
9 school enrollment, a parent or guardian shall provide one of the
10 following:

- 11 1. Current, up-to-date immunization records; or
- 12 2. A completed and signed exemption form."

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1210.189 of Title 70, unless
15 there is created a duplication in numbering, reads as follows:

16 A. A board of education of a public school district or a
17 technology center school district, the board of regents of an
18 institution within The Oklahoma State System of Higher Education,
19 the governing board of a private postsecondary educational
20 institution, the Oklahoma State Regents for Higher Education, the
21 State Board of Education or the State Board of Career and Technology
22 Education shall not:

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1 1. Require a vaccination against Coronavirus disease 2019
2 (COVID-19) as a condition of admittance to or attendance of the
3 school or institution;

4 2. Require a vaccine passport as a condition of admittance to
5 or attendance of the school or institution; or

6 3. Implement a mask mandate for students who have not been
7 vaccinated against COVID-19.

8 B. As used in this section, "vaccine passport" means
9 documentation that an individual has been vaccinated against COVID-
10 19.

11 C. Nothing in this section shall be construed to apply to any
12 public or private healthcare setting.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1210.190 of Title 70, unless
15 there is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Relevant study" means:

18 a. a randomized controlled study,

19 b. a peer-reviewed study, or

20 c. a study performed by one or more researchers that has
21 been published in a print or electronic research
22 journal;

23 2. "Significant adverse effects" means recurring headaches,
24 negative impact on the cardiovascular system, negative impact on the

1 cardiopulmonary system including, but not limited to, any reduction
2 in blood oxygenation or respiratory volume, significant nausea and
3 vomiting or other side effects that a reasonable physician would
4 consider significant; and

5 3. "Substantial harm" means:

- 6 a. bacterial, viral or other infection, most commonly
- 7 from device contamination,
- 8 b. reduced cardiovascular function,
- 9 c. reduced cardiopulmonary function,
- 10 d. psychological harm,
- 11 e. significant injury on learning for students, or
- 12 f. other adverse effects that a reasonable physician
- 13 would conclude pose a risk of substantial harm.

14 B. A board of education of a public school district or a
15 technology center school district may only implement a mandate to
16 wear a mask or any other medical device as provided in this
17 subsection.

18 1. A board of education of a public school district or a
19 technology center school district may only implement a mandate to
20 wear a mask or any other medical device after consultation with the
21 local county health department or city-county health department
22 within the jurisdiction of where the board is located.

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1 2. The mandate shall explicitly list the purposes for the
2 mandate. If no specific purposes are listed in the mandate, the
3 mandate shall be invalidated.

4 3. The mandate shall reference the specific masks or medical
5 devices that would meet the requirements of the mandate. If no
6 specific masks or medical devices are referenced in the mandate, the
7 mandate shall be invalidated.

8 4. Any mandate to implement wearing a mask or any other medical
9 device shall be reconsidered at each regularly scheduled board
10 meeting.

11 C. The citizens within the jurisdiction of the public school
12 district or technology center school district may challenge the
13 mandate at school district meetings; provided, they present one or
14 more of the following forms of evidence for consideration:

15 1. Three or more relevant studies that show possible
16 significant adverse effects as a result of wearing a mask or medical
17 device that would be required under the mandate;

18 2. Three or more relevant studies that show any mask or medical
19 device that would be required under the mandate is found not to be
20 effective for any of the purposes provided in the mandate; or

21 3. Documentation that any mask or medical device that would
22 satisfy the mandate is shown by one or more relevant studies to pose
23 a risk of substantial harm, if used in any manner that would satisfy
24 the mandate, to the wearer of the mask or medical device.

1 SECTION 4. This act shall become effective July 1, 2021.

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

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