

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 921

By: McCortney

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5  
6 AS INTRODUCED

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