

ENGROSSED HOUSE  
BILL NO. 2061

BY: HAGER and HOWARD

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY;  
REQUIRING CERTIFICATION OF PERSONS ADMINISTERING  
CERTAIN HEALTH-RELATED TESTS; EXEMPTING CERTAIN  
PERSONS; REQUIRING STATE BOARD OF HEALTH TO  
PROMULGATE CERTAIN STANDARDS RELATING TO  
CERTIFICATION; PROVIDING FOR ADDITIONAL POWERS AND  
DUTIES OF THE OKLAHOMA STATE DEPARTMENT OF HEALTH;  
PROVIDING FOR DELEGATION; REQUIRING PROOF OF  
CERTIFICATION; MAKING CERTAIN ACTS UNLAWFUL;  
PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE  
DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 2550.1 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. 1. Except as otherwise provided for in this subsection,  
after January 1, 1993, any person who administers tests which  
require the taking of human blood or tissue at a location  
temporarily set up for such purpose or from a mobile facility or  
unit which travels to various locations for such purpose shall be  
certified by the Oklahoma State Department of Health to administer  
such tests.

2. Certification shall not be required for a person employed by or associated with or who is administering the test under the supervision of a licensed hospital, blood bank, certified independent laboratory, or an organization which provides limited health care services through volunteers such as the American Red Cross, the American Heart Association, community clinics or similar organizations recognized by the Oklahoma State Department of Health, provided such organizations meet the standards for administering the tests established by the Oklahoma State Board of Health pursuant to subsection B of this section.

B. The Oklahoma State Board of Health in accordance with the Administrative Procedures Act shall:

1. Establish standards for the certification of persons for the administration of tests as described by subsection A of this section. The standards shall include but not be limited to:

- a. the training and qualifications of persons administering the tests,
- b. records to be maintained, and
- c. disposal of blood, tissue, needles and other disposable instruments or items used in the tests;

2. Promulgate rules for application procedures, issuance, renewal, revocation or suspension of certification, and such other rules as may be necessary for the implementation of this section; and

3. Establish fees for the issuance or renewal of certification and may establish administrative fines for the violation of the standards.

C. The Oklahoma State Department of Health shall have the power and duty to:

1. Issue certificates and renew certificates issued to persons who administer tests which require the taking of human blood or tissue;

2. Suspend, cancel, revoke or nonrenew any certificate issued pursuant to the provisions of this section;

3. Assess administrative penalties against any person violating the provisions of this section or standards promulgated pursuant thereto; and

4. Perform such other acts and have such other responsibilities necessary to effectuate the provisions of this section.

D. The Oklahoma State Department of Health shall provide for the delegation of the issuance or renewal of certificates issued pursuant to this section to local health departments as authorized by Section 1-205 of Title 63 of the Oklahoma Statutes.

E. The owner or operator of any facility, building or location authorizing administration of tests which require the taking of human blood or tissue at such facility, building or location shall require proof of certification, unless such person is exempted pursuant to this section, prior to authorizing the administering of the tests or the offering thereof.

F. Any person violating the provisions of this section, upon conviction thereof, shall be guilty of a misdemeanor.

SECTION 2. This act shall become effective July 1, 1992.

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

Passed the House of Representatives the 13th day of February, 1992.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate