

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE FOR
ENGROSSED SENATE
BILL NO. 413

By: Stipe of the Senate

and

Monks of the House

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-106, which relates to the State Commissioner of Health; clarifying language; modifying and adding powers and duties; modifying and providing for certain procedures; repealing 63 O.S. 1991, Sections 2656.1 and 2656.2, which relate to certain oaths and annual report relating to institutional health services; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-106, is amended to read as follows:

Section 1-106. ~~(a)~~ A. The State Commissioner of Health shall serve at the pleasure of the State Board of Health, ~~and~~ shall have skill and experience in public health duties and sanitary sciences, and shall meet at least one (1) of the following qualifications:

~~(1) possession of 1. Hold~~ a Doctor of Medicine Degree ~~or a Doctor of Osteopathy Degree~~ and a valid license to practice medicine in this state; ~~or~~

2. Hold a Doctor of Osteopathy Degree and a valid license to practice osteopathic medicine in this state; or

~~(2) possession of 3. Hold~~ a doctoral degree in Public Health or Public Health Administration.

~~(b)~~ B. The Commissioner shall have the following powers and duties, unless otherwise directed by the State Board of Health:

~~(1) have 1. Be the executive officer and supervise the~~ activities of the State Department of Health, act for the

Department except as may be otherwise provided in this Code, and enforce rules, regulations and standards adopted by the State Board of Health pursuant to Article I of the Administrative Procedures Act, Section 250.2 et seq. of Title 75 of the Oklahoma Statutes;

2. Have general supervision of the health of the citizens of ~~the~~ this state; ~~make~~

3. Make investigations, inquiries and studies concerning the causes of disease, ~~and~~ especially of epidemics, ~~and~~ the causes of mortality, and the effects of localities, employment, conditions and circumstances on the public health; ~~investigate~~

4. Investigate the conditions as to of health, sanitation and safety of schools, prisons, public institutions, mines, public conveyances, camps, places of group abode, and all buildings and places of public resort, and recommend, prescribe and enforce such measures of health, sanitation and safety for them as he deems advisable; ~~take~~

5. Take such measures as he deems necessary to control ~~or,~~ suppress, or ~~to~~ prevent the occurrence or spread of ~~r~~ any communicable, contagious or infectious disease, ~~and~~ provide for the segregation and isolation of persons having or suspected of having any such disease ~~r,~~ and designate places of quarantine or isolation; ~~advise~~

6. Advise state and local governments on matters pertaining to health, sanitation and safety; ~~and abate~~

7. Abate any nuisance affecting injuriously the health of the public or any community ~~;~~

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

~~(3) appoint~~ 8. Appoint an Assistant State Commissioner of Health and fix his qualifications, duties and compensation; ~~and employ~~

9. Employ, appoint and contract with, and fix the qualifications, duties and compensation of, such other assistants, doctors, engineers, attorneys, sanitarians, nurses, laboratory personnel, administrative, clerical and technical help, investigators, aides and other personnel and help, either on a full-time, part-time, fee or contractual basis, as in his judgment and discretion shall be deemed necessary, expedient, convenient or appropriate to the performance or carrying out of any of the purposes, objectives or provisions of this Code, or to assist him in the performance of his official duties and functions-i

~~(4) cause~~ 10. Cause investigations, inquiries and inspections to be made, and hold hearings and issue orders pursuant to the provisions of ~~the~~ Article II of the Administrative Procedures Act, Section 309 et seq. of Title 75 of the Oklahoma Statutes, to enforce and make effective the provisions of this Code, and all rules, regulations and standards adopted by the State Board of Health pursuant to law, and the Commissioner, or the representative of the Commissioner, shall have the right of access to any premises for such purpose at any reasonable time, upon presentation of identification-i

~~(5) authorize~~ 11. Authorize persons in the State Department of Health to conduct investigations, inquiries and hearings, and to perform other acts that the Commissioner is authorized or required to conduct or perform personally-i

~~(6) except~~ 12. Except as otherwise provided by law, all civil and criminal proceedings under this Code shall be initiated and prosecuted by the district attorney where the violation takes place-i

~~(7) issue~~ 13. Issue subpoenas for the attendance of witnesses and the production of books and records at any hearing to be conducted by the Commissioner or the State Board of Health; and if a person disobeys any such subpoena, or refuses to give evidence before, or to allow his books and records to be examined by, the

Commissioner or the Board after he is directed to do so, the Commissioner may file a contempt proceeding in the district ~~or~~ ~~superior~~ court of the county in which the premises involved are situated, or, if no premises are involved, of the county in which such person resides or has his principal place of business, and a judge of such court, after a trial de novo, may punish the offending person for contempt.;

~~(8) unless~~ 14. Administer oaths at any hearing or investigation conducted pursuant to this Code;

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

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

~~(10) revoke~~ 17. Revoke or cancel, or suspend for any period up to one (1) year, any license or permit issued under or in pursuance of this Code, or by the Commissioner, when he determines that ground therefor as prescribed by this Code exists, or that the holder of such license or permit has violated any law, or any of the provisions of this Code, or any rules, ~~regulations or standards~~ of the State Board of Health ~~filed with the Secretary of State~~, but ~~he~~ the Commissioner shall first afford the holder an opportunity ~~to show cause why the license or permit should not be revoked, canceled or suspended, notice of such opportunity to be given by registered or certified United States Mail to the holder of the license or permit at his last-known address.~~ for hearing in an individual proceeding, pursuant to Article II of the Administrative Procedures Act;

~~(11) accept~~ 18. Accept, use, disburse and administer grants, allotments, gifts, devises, bequests, appropriations and other monies and property offered or given to the State Department of

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Health, or any component or agency thereof, by any agency of the federal government, or any corporation or individual-; and

~~(12)~~ be 19. Be the official agency of the State of Oklahoma in all matters relating to public health which require or authorize cooperation of the State of Oklahoma with the federal government or any agency thereof; coordinate the activities of the State Department of Health with those of the federal government or any department or agency thereof, and with other states, on matters pertaining to public health, and enter into agreements for such purpose, and in his discretion accept, use, disburse and administer, for his office or for the State Department of Health, for any purpose designated and on the terms and conditions thereof, grants of money, personnel and property from the federal government or any department or agency thereof, or from any state or state agency, or from any other source, to promote and carry on in this state any program relating to the public health or the control of disease, and enter into agreements for such purposes.

SECTION 2. REPEALER 63 O.S. 1991, Sections 2656.1 and 2656.2, are hereby repealed.

SECTION 3. This act shall become effective September 1, 1993.

44-1-6850 MCD