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STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1227

By: Cain

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-508, as amended by Section 1, Chapter 124, O.S.L. 1996 (63 O.S. Supp. 1997, Section 1-508), which relates to animal quarantines; clarifying language; making certain acts unlawful; providing exceptions; making violation of provision a misdemeanor; stating penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-508, as amended by Section 1, Chapter 124, O.S.L. 1996 (63 O.S. Supp. 1997, Section 1-508), is amended to read as follows:

Section 1-508. A. 1. The State Board of Health may adopt such rules as it deems necessary for the quarantine, isolation, impounding, immunization, testing and disposal of an animal to prevent and control any zoonotic disease. Rules ~~of~~ promulgated by the Board shall consider, but not be limited to:

- a. prior rabies vaccinations,
- b. the degree of exposure to ~~rabies~~ a zoonotic disease,

- c. the history and prior behavior of the animal prior to exposure, and
- d. the willingness of the individual so exposed to submit to post-exposure antirabies immunization.

2. The President of the State Board of Agriculture and the Director of Wildlife Conservation shall be requested to make recommendations on pertinent phases affecting their official duties before such rules are promulgated by the State Board of Health.

B. 1. Whenever the State Commissioner of Health or a designee determines that any zoonotic disease exists in any area or that a person has suffered an exposure to any such disease, the Commissioner shall have authority to issue an order declaring a quarantine, isolation, impounding, immunization, testing or disposal of any animal determined to be the source of such disease or exposure according to rules promulgated by the State Board of Health. The Commissioner shall, assisted by the State Board of Agriculture and the Director of Wildlife Conservation, cause such quarantine, isolation, impounding, immunization, testing or disposal to be enforced.

2. Public officers and employees acting within the scope of their authority in implementing or enforcing any such order, or rules promulgated for the control of zoonotic disease, shall not be held liable for damages resulting from their official acts.

C. It shall be unlawful for any person to willfully fail or refuse to comply with a lawful order of the State Commissioner of Health declaring a quarantine, isolation, impounding, immunization, testing or disposal. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and may be punished by a fine of not more than One Hundred Dollars (\$100.00), by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

D. District courts shall be authorized to grant injunctive relief, including temporary injunctions and temporary restraining orders, to compel compliance with a quarantine, isolation, impounding, immunization, testing or disposal order issued by the Commissioner pursuant to this section.

E. It shall be unlawful for any person to sell, barter, exchange or otherwise transfer, import or cause to be imported into this state any species of nonhuman primates; provided, however, such prohibition shall not apply to:

1. A zoological park that is a member of the American Zoological Association;

2. A research institute recognized or licensed under the federal Animal Welfare Act, 7 U.S.C., Section 2131 et seq.; or

3. Nonhuman primates that have been trained to assist physically disabled persons, as certified by a nationally recognized organization that has been approved by the State Commissioner of Health. The Commissioner shall specify zoonotic disease testing for such nonhuman primates prior to transfer of their ownership. The State Department of Health shall develop and distribute a form which shall certify that a nonhuman primate has met the requirements of this paragraph at the time of transfer of ownership.

F. Any person violating the provisions of subsection E of this section shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00), by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 1998.

46-2-2669

CJ

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