

ENROLLED HOUSE  
BILL NO. 1239

By: Kirby, Benson, Thomas  
and Glover of the House

and

Helton and Martin of the  
Senate

An Act relating to soldiers and sailors; providing for studies and reports relating to the Gulf War Syndrome; defining terms; requiring the submission of certain reports under certain conditions; providing for certain forms; specifying such forms; providing for the compilation, evaluation and distribution of certain information; requiring certain consent; providing for certain confidentiality; requiring assistance from certain state agencies; prohibiting disclosure of certain veterans' identities; providing exceptions; providing exemption for civil and criminal liability for certain health care professionals; limiting such actions; creating the Gulf War Syndrome Outreach Committee; providing for membership, appointments, qualifications, terms, removal, compensation, reimbursement, duties and powers of the Committee; authorizing Oklahoma Department of Veterans Affairs to obtain certain information for certain purposes; requiring promulgation and adoption of certain rules; 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 360 of Title 72, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Veteran" means a person who is currently a resident of this state, who served on and after August 2, 1990, during the Gulf War in the southwest Asia theater of operations, which includes Iraq, Kuwait, Saudi Arabia, the neutral zone between Iraq and Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Arabian Sea, the Red Sea, and the airspace above these locations;

2. "Department" means the State Department of Health;

3. "Resident of this state" means a person who has any one of the following:

- a. a valid Oklahoma driver license or license for identification only,
- b. a motor vehicle registered within the state,
- c. a valid Oklahoma voter identification card, or

- d. any other valid identification as determined by the Department;
- 4. "Committee" means the Gulf War Syndrome Outreach Committee;
- 5. "Commissioner" means the State Commissioner of Health; and
- 6. "Board" means the State Board of Health.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 361 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. A physician or other qualified health care professional who has primary responsibility for treating a veteran and who believes the veteran may have been exposed to certain causative agents while serving in the Armed Forces of the United States during the Gulf War, shall, with the consent of the veteran, submit a report to the Department on a form provided by the Department. If there is no physician or other qualified health care professional having primary responsibility for treating the veteran, the hospital or other medical facility treating the veteran shall, with the consent of the veteran, submit the report to the Department.

B. The form provided by the Department to the physician or other qualified health care professional or hospital or other medical facility shall request the following information:

- 1. Symptoms of the veteran which may be related to exposure to causative agents during the Gulf War;
- 2. Diagnoses of the veteran; and
- 3. Methods of treatment prescribed.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 362 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. The Department, with the assistance of the Committee, shall compile and evaluate information received from and actions taken by the physician or other qualified health care professional, or a hospital or other health care facility, in a report to be distributed annually to the Governor, the Legislature, the Oklahoma Department of Veterans Affairs and, upon request, to other interested parties.

B. All information obtained from a veteran or individual shall be confidential and shall only be used for purposes of the study.

C. The Department may request and shall receive from any state agency such assistance and data as is necessary for the Department to implement the provisions of this act.

D. The identity of a veteran, the subject of a report made pursuant to the provisions of this act, may not be disclosed unless the veteran consents to the disclosure. Statistical information collected pursuant to this act is public information.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 363 of Title 72, unless there is created a duplication in numbering, reads as follows:

A physician or other qualified health care professional or a hospital or other medical facility, subject to this act, who complies with this act may not be held civilly or criminally liable for providing the information required by this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 364 of Title 72, unless there is created a duplication in numbering, reads as follows:

A. The Gulf War Syndrome Outreach Committee is hereby created under the direction of the Department. The Committee shall be composed of at least seven (7) members, two of whom shall be Gulf War veterans, one a Gulf War era veteran, and one the Director of the Oklahoma Department of Veterans Affairs, or designee, for a term commensurate with his or her term of appointment as Director. The

other members shall be health care professionals with demonstrated skills in those areas related to toxic chemical and other causative agent contamination. The members of the Committee shall be appointed by the Commissioner for terms of two (2) years. Members may be removed for cause and vacancies shall be filled in the same manner as provided for original appointments. The members shall receive no compensation except for travel reimbursement for their actual and necessary expenses as provided for in the State Travel Reimbursement Act.

B. The Committee shall have the following duties:

1. To advise the Commissioner in developing and conducting an outreach program to identify and inform veterans of the possible detrimental effects of exposure to causative agents during the Gulf War;

2. To obtain and provide information, as specified in this act, on the medical, scientific, epidemiological and any other data on the effects of exposure to causative agents during the Gulf War by veterans;

3. To provide veterans with a list of the appropriate health care professionals or medical institutions for diagnosis of signs and symptoms related to exposure to causative agents during the Gulf War; and

4. To confer with other states conducting similar studies related to causative agents during the Gulf War.

The Committee may request and shall receive any necessary data or assistance of any state agency to carry out the duties of the Committee.

The Oklahoma Department of Veterans Affairs, at the request of the Committee, shall obtain through the Freedom of Information Act the location of veterans in Oklahoma who served during the Gulf War for purposes of identifying veterans who may have been exposed to causative agents during the Gulf War.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 365 of Title 72, unless there is created a duplication in numbering, reads as follows:

The State Board of Health shall promulgate and adopt rules necessary for the administration of the study authorized by this act.

SECTION 7. This act shall become effective July 1, 1997.

SECTION 8. 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 6th day of March, 1997.

Speaker of the House of  
Representatives

Passed the Senate the 2nd day of April, 1997.

President

of the Senate