

SHORT TITLE: Public health and safety; treatment of infected inmates; emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 886

By: Dunlap

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-523, as last amended by Section 1, Chapter 58, O.S.L. 1994 (63 O.S. Supp. 1997, Section 1-523), which relates to treatment of infected inmates; clarifying language; enumerating illnesses of inmates which require certain entities to notify employees of person having such illnesses; providing for certain testing of certain inmates under certain circumstances; requiring written communication of test results to certain persons; providing for counseling, health care and support services under certain circumstances; defining term; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-523, as last amended by Section 1, Chapter 58, O.S.L. 1994 (63 O.S. Supp. 1997, Section 1-523), is amended to read as follows:

Section 1-523. A. 1. Any and all institutions in this state, whether penal or eleemosynary, ~~and whether~~ public or private, and free or for pay, shall make, and preserve for a period of at least one (1) year, a record showing the name, age, sex, ~~color~~ race, nationality and place of residence of ~~all any~~ any infected ~~persons of the inmates~~ inmate of such institution ~~that~~ who may come to their knowledge, ~~and.~~

2. The institution shall ~~submit~~ make available such record at all reasonable hours ~~to the~~ for inspection ~~of~~ by the State Commissioner of Health or the local health officer. ~~All such~~

3. Such institutions shall further furnish a physician and all proper medicines, instruments and apparatus for the proper treatment of such infected ~~persons~~ inmate.

B. Each institution ~~and each,~~ Department of Corrections district office, and each county or municipal jail shall notify ~~their~~ the correctional officers, probation and parole officers ~~and any jailer, jailors, or other employee persons in such entity's employ,~~ or any employee of the Pardon and Parole Board, who has or will have direct contact with an infected inmate, when ~~such the~~ inmate has Acquired Immune Deficiency Syndrome (AIDS), or is infected with ~~the human:~~

1. Human immunodeficiency virus (HIV) or any of its derivatives; has the Acquired Immune Deficiency Syndrome (AIDS) disease;

2. Hepatitis or any of its derivatives;

3. Tuberculosis; or

4. Any other serious illness which an exposed person might reasonably expect to contract from contact with such infected inmate.

C. 1. If an officer or employee of the State of Oklahoma, or any other person comes into contact with the bodily fluids of an inmate in a state correctional facility, whom the institution has cause to believe is infected with a serious transmissible disease, the Director of the Department of Corrections, under such rules as the Director shall promulgate to carry out the provisions of this section, shall cause such inmate to be tested for such disease, if no prior record of the existence of such disease exists.

2. The Director shall promptly communicate in writing the results of the test to the person so exposed. If the results of any such test indicate the existence and possible transmission of a

disease, the Director shall make appropriate referrals for counseling, health care and support services for the person so exposed.

3. As used in this section, the term "serious transmissible disease" means the Human Immunodeficiency Virus (HIV) or any of its derivatives, hepatitis or any of its derivatives, tuberculosis, and any other serious illness which an exposed person might reasonably expect to contract from contact with an infected person.

SECTION 2. 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.

46-2-2475

CJ