

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1918

By: Adelson of the Senate

and

6 Denney of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; amending
11 63 O.S. 2001, Sections 1-401, 1-402, 1-403, 1-409, 1-
12 410 and 1-504, which relate to communicable diseases;
13 modifying definitions; modifying procedures related
14 to the examination and treatment of tuberculosis;
15 permitting isolation in certain circumstances;
16 modifying procedures related to quarantine and
17 isolation; requiring certain notice; permitting
18 certain courts to grant injunctive relief in
19 specified circumstances; and providing an effective
20 date.

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

22 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-401, is
23 amended to read as follows:

24 Section 1-401. ~~Wherever the words "active tuberculosis" appear
in this article, they shall be construed to mean that the disease is
in a communicable or infectious stage as established by chest X ray,~~

1 ~~bacteriological examination of sputum, or other diagnostic~~
2 ~~procedures approved by the State Commissioner of Health~~ As used in
3 this article:

4 1. "Tuberculosis disease" means disease caused by Mycobacterium
5 tuberculosis complex;

6 2. "Active tuberculosis disease" means a stage of tuberculosis
7 in which compatible pathologic changes are present as demonstrated
8 by clinical, bacteriologic, or radiographic evidence, and/or other
9 diagnostic procedures. Persons diagnosed with tuberculosis are
10 considered to have active tuberculosis disease until they have
11 completed a full course of antituberculosis treatment as prescribed
12 or approved by the State Commissioner of Health; and

13 3. "Tuberculosis infection" means a stage of tuberculosis
14 characterized by having a positive or a history of a positive
15 response to a tuberculin skin test or other laboratory test for
16 tuberculosis infection, but not having clinical, radiographic or
17 other evidence of disease.

18 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-402, is
19 amended to read as follows:

20 Section 1-402. When any local health officer shall have
21 reasonable grounds to believe that any person has active
22 ~~tuberculosis in an active stage or in a communicable form~~ disease,
23 ~~and who~~ but will not voluntarily seek a medical examination, then it
24 shall be the duty of ~~such~~ the local health officer to order such

1 person in writing to undergo an examination by a physician ~~qualified~~
2 ~~in chest diseases, or at some state or federal sanatorium or~~
3 ~~hospital, or at some clinic, hospital or sanatorium~~ approved by the
4 State Commissioner of Health for such examinations. It shall be the
5 duty of the suspected person to ~~present himself for~~ submit to
6 examination at such time and place as ordered by the local health
7 officer. The examination shall include an X-ray of the chest,
8 examinations of sputum, and such other forms and types of
9 examinations as shall be approved by the Commissioner. If, upon
10 examination, it ~~shall be~~ is determined that the person has active or
11 suspected active tuberculosis ~~in an active stage or in a~~
12 ~~communicable form~~ disease, then it shall be the duty of such
13 tuberculous person to ~~arrange for admission of himself as a patient~~
14 ~~in one of the state or federal sanatoria or hospitals, or in some~~
15 ~~private hospital, or in a ward of a private hospital maintained and~~
16 ~~operated for the treatment of tuberculosis patients; or when there~~
17 ~~is no danger to the public or to other individuals as determined by~~
18 ~~the local health officer, and upon the approval~~ comply with the
19 orders of the Commissioner, ~~he may receive treatment at home.~~

20 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-403, is
21 amended to read as follows:

22 Section 1-403. Whenever it has been determined that any person
23 has active tuberculosis ~~in an active stage or~~ disease in a
24 communicable form, ~~and the person is not immediately admitted as a~~

1 ~~patient in any state or federal sanatorium or hospital, or in any~~
2 ~~private hospital, or ward of a private hospital maintained for the~~
3 ~~treatment of tuberculosis,~~ it shall be the duty of the local health
4 officer to instruct such person as to the precautions necessary ~~to~~
5 ~~be taken~~ to protect the members of the person's household or the
6 community from becoming infected with tuberculosis communicated by
7 such person, ~~and it.~~ It shall be the duty of ~~the tuberculous~~ such
8 ~~person to conduct himself and~~ to live in such a manner as not to
9 expose members of ~~his~~ the person's family or household, or any other
10 person with whom ~~he~~ the person may be associated, to danger of
11 infection, ~~and the.~~ The local health officer shall investigate ~~from~~
12 ~~time to time~~ periodically for the purpose of ~~seeing~~ determining if
13 ~~his~~ the instructions are being carried out in a reasonable and
14 acceptable manner.

15 SECTION 4. AMENDATORY 63 O.S. 2001, Section 1-409, is
16 amended to read as follows:

17 Section 1-409. The State Commissioner of Health may, on behalf
18 of the State of Oklahoma, enter into a reciprocal agreement with
19 another state providing for care and treatment, ~~in a sanatorium of~~
20 ~~one of the states,~~ of persons having active tuberculosis disease who
21 are residents of the other state, or for the transportation or
22 return of any such nonresident person from one of the states to the
23 other state of which ~~he~~ such person is a resident.

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1 SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-410, is
2 amended to read as follows:

3 Section 1-410. When the State Commissioner of Health shall have
4 reasonable grounds to believe that any person has active
5 ~~tuberculosis in an active stage or in the communicable form~~ disease,
6 the Commissioner may require isolation, hospitalization or other
7 confinement for treatment of such person. The State Commissioner of
8 Health is hereby authorized to contract with any hospital and/or
9 physician to provide such hospitalization ~~and~~ or treatment as
10 required and shall be exempt from the provisions of the Oklahoma
11 Central Purchasing Act in contracting for such hospitalization and
12 treatment, as specified in ~~Title 74, Section 85.47~~ of Title 74 of
13 the Oklahoma Statutes. If any person shall be convicted for a
14 violation of any of the provisions of ~~63 O.S. 1971, Sections 1-402~~
15 and 1-403 of this title, then such person shall be committed by the
16 judge of the district court for isolation or confinement and
17 treatment ~~into~~ in such institution or at such location or facility
18 as designated by the State Commissioner of Health.

19 SECTION 6. AMENDATORY 63 O.S. 2001, Section 1-504, is
20 amended to read as follows:

21 Section 1-504. A. Whenever a local health officer determines
22 or suspects that a person has been exposed to and may be incubating
23 a communicable disease of public health concern, ~~he~~ the local health
24 officer may impose a quarantine ~~on~~ upon such person and require such

1 person to remain out of public contact and in the place or premises
2 where such person usually stays, and notice. Notice thereof shall
3 be given in accordance with the rules and regulations of the State
4 Board of Health, ~~and it.~~ It shall be unlawful for such person, or
5 any other person, to violate the terms or conditions of the
6 quarantine.

7 B. Whenever a local health officer determines or suspects that
8 a person has a communicable disease of public health concern, the
9 local health officer may impose isolation upon such person and
10 require such person to remain out of public contact and in an
11 adequate treatment facility or in the place or premises where such
12 person usually stays. Notice thereof shall be given in accordance
13 with the rules and regulations of the State Board of Health. It
14 shall be unlawful for such person, or any other person, to violate
15 the terms or conditions of the isolation.

16 C. District courts shall be authorized to grant injunctive
17 relief, including temporary injunctions and temporary restraining
18 orders, to compel compliance with a quarantine or isolation order
19 issued by a local health officer pursuant to this section.

20 SECTION 7. This act shall become effective November 1, 2008.

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22 51-2-10732 SAB 03/27/08

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