

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1918

6 By: Adelson of the Senate

7 and

8 Denney of the House

9 CONFERENCE 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 updating language; making language gender-neutral;
16 permitting isolation in certain circumstances;
17 providing for certain exemption; modifying procedures
18 related to quarantine and isolation; requiring
19 certain notice; permitting certain courts to grant
20 injunctive relief in specified circumstances;
21 creating the "Oklahoma Emergency Response Systems
22 Stabilization and Improvement Revolving Fund";
23 directing the State Department of Health to
24 promulgate certain rules; amending Sections 2 and 10,
Chapter 322, O.S.L. 2004 (68 O.S. Supp. 2007,
Sections 302-5 and 402-3), which relate to cigarette
and tobacco products tax; modifying apportionment of
tax revenue by providing for limited allocation to
specified fund; providing for codification; and
providing an effective date.

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

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

1 Section 1-401. ~~Wherever the words "active tuberculosis" appear~~
2 ~~in this article, they shall be construed to mean that the disease is~~
3 ~~in a communicable or infectious stage as established by chest X-ray,~~
4 ~~bacteriological examination of sputum,~~ As used in this article:

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

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

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

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

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

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

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

23 Section 1-403. Whenever it has been determined that any person
24 has active tuberculosis ~~in an active stage or in a communicable~~

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

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

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

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 1-502.2, as
20 last amended by Section 1, Chapter 153, O.S.L. 2007 (63 O.S. Supp.
21 2007, Section 1-502.2), is amended to read as follows:

22 Section 1-502.2. A. Unless otherwise provided by law, all
23 information and records which identify any person who has
24 participated in a public health investigation or who may have any

1 communicable or noncommunicable disease which is required to be
2 reported pursuant to Sections 1-501 through 1-532.1 of this title or
3 information and records of any disease which are held or maintained
4 by any state agency, health care provider or facility, physician,
5 health professional, laboratory, clinic, blood bank, funeral
6 director, third party payor, or any other agency, person, or
7 organization in the state shall be confidential. Any information
8 authorized to be released pursuant to paragraphs 1 through 8 of this
9 subsection shall be released in such a way that no person can be
10 identified unless otherwise provided for in such paragraph or by
11 law. Such information shall not be released except under the
12 following circumstances:

13 1. Release is made upon court order;

14 2. Release is made in writing, by or with the written consent
15 of the person whose information is being kept confidential or with
16 the written consent of the legal guardian or legal custodian of such
17 person, or if such person is a minor, with the written consent of
18 the parent or legal guardian of such minor;

19 3. Release is necessary as determined by the State Department
20 of Health to protect the health and well-being of the general
21 public. Any such order for release by the Department and any review
22 of such order shall be in accordance with the procedures specified
23 in Sections 309 through 323 of Title 75 of the Oklahoma Statutes.
24 Only the initials of the person whose information is being kept

1 confidential shall be on public record for such proceedings unless
2 the order by the Department specifies the release of the name of
3 such person and such order is not appealed by such person or such
4 order is upheld by the reviewing court;

5 4. Release is made of medical or epidemiological information to
6 those persons who have had risk exposures pursuant to Section 1-
7 502.1 of this title;

8 5. Release is made of medical or epidemiological information to
9 health professionals, appropriate state agencies, or district courts
10 to enforce the provisions of Sections 1-501 through 1-532.1 of this
11 title and related rules and regulations concerning the control and
12 treatment of communicable or noncommunicable diseases;

13 6. Release is made of specific medical or epidemiological
14 information for statistical purposes in such a way that no person
15 can be identified;

16 7. Release is made of medical information among health care
17 providers, their agents or employees, within the continuum of care
18 for the purpose of diagnosis and treatment of the person whose
19 information is released. This exception shall not authorize the
20 release of confidential information by a state agency to a health
21 care provider unless such release is otherwise authorized by this
22 section; or

23 8. When the patient is an inmate in the custody of the
24 Department of Corrections or a private prison or facility under

1 contract with the Department of Corrections, and the release of the
2 information is necessary:

3 a. to prevent or lessen a serious and imminent threat to
4 the health or safety of a person or the public, and it
5 is to a person or persons reasonably able to prevent
6 or lessen the threat, including the target of the
7 threat, or

8 b. for law enforcement authorities to identify or
9 apprehend an individual where it appears from all the
10 circumstances that the individual has escaped from a
11 correctional institution or from lawful custody.

12 B. For the purposes of this section only, ~~the words~~ "written
13 consent" ~~shall mean~~ means that the person whose information is
14 required to be kept confidential by this section or the person
15 legally authorized to consent to release by this section has been
16 informed of all persons or organizations to whom such information
17 may be released or disclosed by the specific release granted.
18 Releases granted pursuant to paragraph 2 of subsection A of this
19 section shall include a notice in bold typeface that the information
20 authorized for release may include records which may indicate the
21 presence of a communicable or noncommunicable disease. Consent
22 obtained for release of information, pursuant to paragraph 2 of
23 subsection A of this section, shall not be considered valid unless,
24 prior to consent, the person consenting to the release was given

1 notice of the provisions for release of confidential information
2 pursuant to this section. The provisions of this subsection shall
3 not apply to written authorizations to disclose information to the
4 Social Security Administration.

5 C. 1. The State Department of Health may convene a
6 confidential meeting of a multidisciplinary team for recommendation
7 on school placement of a student who is infected with the human
8 immunodeficiency virus. The multidisciplinary team shall include,
9 but not be limited to, the following:

- 10 a. the parent, parents, legal representative, or legal
11 guardian or legal custodian of the student;
- 12 b. the physician of the student;
- 13 c. a representative from the superintendent's office of
14 the affected school district;
- 15 d. a representative from the State Department of
16 Education; and
- 17 e. a representative from the State Department of Health.

18 Each member of the team shall be responsible for protecting the
19 confidentiality of the student and any information made available to
20 such person as a member of the team. The multidisciplinary team
21 shall be exempt from the requirements of Sections 301 through 314 of
22 Title 25 of the Oklahoma Statutes and Sections 24A.1 through 24A.19
23 of Title 51 of the Oklahoma Statutes.

24

1 2. Each member of the local school board having jurisdiction
2 over the student shall also be responsible for protecting the
3 confidentiality of the student and any information made available to
4 such person as a school board member.

5 D. The State Department of Health may convene a confidential
6 meeting of a multidisciplinary advisory committee to make
7 recommendations regarding the practice of health care workers who
8 are infected with the human immunodeficiency virus (HIV) or
9 hepatitis B (HBV), who may be performing exposure-prone procedures.
10 The membership of the multidisciplinary advisory committee shall
11 include, but not be limited to, the following:

- 12 1. The State Commissioner of Health or designee;
- 13 2. Legal counsel to the State Commissioner of Health;
- 14 3. The state epidemiologist or designee;
- 15 4. An infectious disease specialist with expertise in HIV/HBV
16 infection; and
- 17 5. Two practicing health care workers from the same discipline
18 as the HIV/HBV-infected health care worker.

19 In addition, the health care worker being discussed, and/or an
20 advocate, and the personal physician of the health care worker being
21 discussed shall be invited to the multidisciplinary advisory
22 committee meeting. Discussion of the case shall be made without
23 using the actual name of the health care worker. Each member of the
24 multidisciplinary advisory committee shall be responsible for

1 protecting the confidentiality of the HIV/HBV-infected health care
2 worker and the confidentiality of any information made available to
3 such person as a member of the multidisciplinary advisory committee.
4 The multidisciplinary advisory committee shall be exempt from the
5 requirements of the Oklahoma Open Meeting Act and the Oklahoma Open
6 Records Act.

7 E. Upon advice of the multidisciplinary advisory committee, the
8 State Commissioner of Health or designee may notify an appropriate
9 official at the health care facility where the HIV/HBV-infected
10 health care worker practices that the health care worker is
11 seropositive for HIV and/or HBV. Notification shall be made only
12 when necessary to monitor the ability of the HIV/HBV-infected health
13 care worker to comply with universal precautions and appropriate
14 infection control practices, and/or to monitor the ongoing
15 functional capacity of the health care worker to perform his or her
16 duties. Notification shall occur through one of the following
17 officials:

- 18 1. The facility administrator;
- 19 2. The hospital epidemiologist;
- 20 3. The chair of the infection control committee of the
21 facility; or
- 22 4. The medical chief of staff of the facility.

23 F. If the HIV/HBV-infected health care worker fails or refuses
24 to comply with the recommendations of the multidisciplinary advisory

1 committee, the State Commissioner of Health or designee may take
2 such actions as may be required to perform the duties imposed by the
3 laws of the State of Oklahoma, and may advise the appropriate
4 licensing board.

5 G. Any person who negligently, knowingly or intentionally
6 discloses or fails to protect medical or epidemiological information
7 classified as confidential pursuant to this section, upon
8 conviction, shall be guilty of a misdemeanor punishable by the
9 imposition of a fine of not less than One Thousand Dollars
10 (\$1,000.00) or by imprisonment in the county jail for not more than
11 thirty (30) days, or by both such fine and imprisonment.

12 H. Any person who negligently, knowingly or intentionally
13 discloses or fails to protect medical or epidemiological information
14 classified as confidential pursuant to this section shall be civilly
15 liable to the person who is the subject of the disclosure for court
16 costs, attorney fees, exemplary damages and all actual damages,
17 including damages for economic, bodily or psychological harm which
18 is proximately caused by the disclosure.

19 SECTION 7. 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 8. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-2512.1 of Title 63, unless
22 there is created duplication in numbering, reads as follows:

23 A. There is hereby created in the State Treasury a revolving
24 fund for the State Department of Health to be designated the

1 "Oklahoma Emergency Response Systems Stabilization and Improvement
2 Revolving Fund". The fund shall be a continuing fund, not subject
3 to fiscal year limitations, and shall consist of monies received by
4 the State Department of Health in accordance with state law. All
5 monies accruing to the credit of the fund are hereby appropriated
6 and may be budgeted and expended by the Department for the purpose
7 of funding assessment activities, stabilization and/or
8 reorganization of at-risk emergency medical services, development of
9 regional emergency medical services, training for emergency medical
10 directors, access to training front line emergency medical services
11 personnel, capital and equipment needs. Expenditures from the fund
12 shall be made upon warrants issued by the State Treasurer against
13 claims filed as prescribed by law with the Director of State Finance
14 for approval and payment.

15 B. The State Board of Health shall promulgate rules
16 establishing a formula and procedure for the distribution of funds
17 from the Oklahoma Emergency Response Systems Stabilization and
18 Improvement Revolving Fund.

19 SECTION 9. AMENDATORY Section 2, Chapter 322, O.S.L.
20 2004 (68 O.S. Supp. 2007, Section 302-5), is amended to read as
21 follows:

22 Section 302-5. A. Effective January 1, 2005, in addition to
23 the tax levied in Sections 302, 302-1, 302-2, 302-3 and 302-4 of
24 ~~Title 68 of the Oklahoma Statutes~~ this title, there is hereby levied

1 upon the sale, use, gift, possession, or consumption of cigarettes,
2 as defined in Sections 301 through 325 of ~~Title 68 of the Oklahoma~~
3 ~~Statutes~~ this title, within this state, a tax at the rate of forty
4 (40) mills per cigarette.

5 B. Except as provided in subsection D of this section, the
6 revenue resulting from the additional tax levied in subsection A of
7 this section shall be apportioned by the Oklahoma Tax Commission and
8 transmitted to the State Treasurer as follows:

9 1. Twenty-two and six-hundredths percent (22.06%) shall be
10 placed to the credit of the Health Employee and Economy Improvement
11 Act Revolving Fund created in ~~Section 1 of Enrolled Senate Bill No.~~
12 ~~1546 of the 2nd Session of the 49th Oklahoma Legislature~~ Section
13 1010.1 of Title 56 of the Oklahoma Statutes;

14 2. Three and nine-hundredths percent (3.09%) shall be placed to
15 the credit of the Comprehensive Cancer Center Debt Service Revolving
16 Fund created in ~~Section 5 of this act~~ Section 160 of Title 62 of the
17 Oklahoma Statutes;

18 3. ~~Seven~~ Before July 1, 2008, seven and fifty-hundredths
19 percent (7.50%) shall be placed to the credit of the Trauma Care
20 Assistance Revolving Fund created in ~~Section 1-2522~~ 1-2530.9 of
21 Title 63 of the Oklahoma Statutes. On and after July 1, 2008, seven
22 and fifty-hundredths percent (7.50%) shall be allocated as follows:

23 a. every month, an amount equal to the actual amount
24 placed to the credit of the Trauma Care Assistance

1 Revolving Fund pursuant to this paragraph for the same
2 month of the 2008 fiscal year shall be credited to the
3 Trauma Care Assistance Revolving Fund,

4 b. every month, any amount over and above the amount
5 placed to the credit of the Trauma Care Assistance
6 Revolving Fund pursuant to subparagraph a of this
7 paragraph shall be credited to the Oklahoma Emergency
8 Response Systems Stabilization and Improvement
9 Revolving Fund as created in Section 8 of this act
10 until the combined amount credited to the Oklahoma
11 Emergency Response Systems Stabilization and
12 Improvement Revolving Fund pursuant to this section
13 and Section 402-3 of this title is equal to a total of
14 Two Million Five Hundred Thousand Dollars
15 (\$2,500,000.00) each year, and

16 c. any additional revenue allocated pursuant to this
17 paragraph shall be placed to the credit of the Trauma
18 Care Assistance Revolving Fund;

19 4. Three and nine-hundredths percent (3.09%) shall be placed to
20 the credit of the Oklahoma State University College of Osteopathic
21 Medicine Revolving Fund created in ~~Section 6 of this act~~ Section
22 160.2 of Title 62 of the Oklahoma Statutes;

23 5. Twenty-six and thirty-eight-hundredths percent (26.38%)
24 shall be placed to the credit of the Oklahoma Health Care Authority

1 Medicaid Program Fund created in Section 5020 of Title 63 of the
2 Oklahoma Statutes for the purposes of maintaining programs and
3 services funded under the federal "Jobs and Growth Tax Relief
4 Reconciliation Act of 2003", reimbursing city/county-owned
5 hospitals, increasing emergency room physician rates, and providing
6 TEFRA 134, also known as "Katie Beckett" services;

7 6. Two and sixty-five-hundredths percent (2.65%) shall be
8 placed to the credit of the Department of Mental Health and
9 Substance Abuse Services Revolving Fund created in Section 2-303 of
10 Title 43A of the Oklahoma Statutes;

11 7. Forty-four-hundredths of one percent (0.44%) shall be placed
12 to the credit of the Belle Maxine Hilliard Breast and Cervical
13 Cancer Treatment Revolving Fund created in ~~Section 1 of Enrolled~~
14 ~~House Bill No. 2552 of the 2nd Session of the 49th Oklahoma~~
15 ~~Legislature~~ Section 1-559 of Title 63 of the Oklahoma Statutes;

16 8. One percent (1%) shall be placed to the credit of the
17 Teachers' Retirement System Revolving Fund created in Section 158 of
18 Title 62 of the Oklahoma Statutes;

19 9. Two and seven-hundredths percent (2.07%) shall be placed to
20 the credit of the Education Reform Revolving Fund created in Section
21 41.29b of Title 62 of the Oklahoma Statutes;

22 10. Sixty-six-hundredths percent (0.66%) shall be placed to the
23 credit of the Tobacco Prevention and Cessation Revolving Fund
24 created in Section 1-105d of Title 63 of the Oklahoma Statutes;

1 11. Sixteen and eighty-three-hundredths percent (16.83%) shall
2 be placed to the credit of the General Revenue Fund; and

3 12. For fiscal years beginning July 1, 2004, and ending June
4 30, 2006, fourteen and twenty-three-hundredths percent (14.23%)
5 shall be apportioned to municipalities and counties that levy a
6 sales tax, in the proportions which total municipal and county sales
7 tax revenue was apportioned by the Tax Commission in the preceding
8 month.

9 For fiscal years beginning July 1, 2006, and thereafter, the
10 apportionment percentage specified in paragraph 12 of this
11 subsection will be adjusted by dividing the total municipal and
12 county sales tax revenue collected in the calendar year immediately
13 preceding the commencement of the fiscal year by the sum of the
14 state sales tax revenue and total municipal and county sales tax
15 revenue collected in the same year. This ratio shall be divided by
16 the ratio of the total municipal and county sales tax revenue
17 collected in the calendar year beginning January 1, 2004, and ending
18 December 31, 2004, divided by the sum of the state sales tax revenue
19 and total municipal and county sales tax revenue collected in the
20 same year. The resulting quotient shall be multiplied by fourteen
21 and twenty-three-hundredths percent (14.23%) to determine the
22 apportionment percentage for the fiscal year.

23 For fiscal years beginning July 1, 2006, and thereafter, any
24 adjustment to the percentage of revenues apportioned to

1 municipalities and counties shall be reflected in the percent of
2 revenues apportioned to the General Revenue Fund.

3 C. The tax shall be evidenced by tax stamps as now provided
4 for; however, as to cigarette packages of less than ten cigarettes
5 for free distribution as samples, the tax herein levied shall be
6 computed and paid as provided for other cigarette taxes without
7 affixing stamps on each such package.

8 D. The net amount of any revenue resulting from a payment in
9 lieu of excise taxes on cigarettes levied by this section, pursuant
10 to a compact with a federally recognized Indian tribe or nation
11 after deductions for deposits into trust accounts pursuant to such
12 compacts, shall be apportioned by the Tax Commission and transmitted
13 to the State Treasurer as follows:

14 1. Thirty-three and forty-nine-hundredths percent (33.49%)
15 shall be placed to the credit of the Health Employee and Economy
16 Improvement Act Revolving Fund created in ~~Section 1 of Enrolled~~
17 ~~Senate Bill No. 1546 of the 2nd Session of the 49th Oklahoma~~
18 ~~Legislature~~ Section 1010.1 of Title 56 of the Oklahoma Statutes;

19 2. Four and sixty-nine-hundredths percent (4.69%) shall be
20 placed to the credit of the Comprehensive Cancer Center Debt Service
21 Revolving Fund created in ~~Section 5 of this act~~ Section 160 of Title
22 62 of the Oklahoma Statutes;

23 3. ~~Eleven~~ Before July 1, 2008, eleven and thirty-nine-
24 hundredths percent (11.39%) shall be placed to the credit of the

1 Trauma Care Assistance Revolving Fund created in Section 1-2522 of
2 Title 63 of the Oklahoma Statutes. On and after July 1, 2008,
3 eleven and thirty-nine-hundredths percent (11.39%) shall be
4 allocated as follows:

5 a. every month, an amount equal to the actual amount
6 placed to the credit of the Trauma Care Assistance
7 Revolving Fund pursuant to this paragraph for the same
8 month of the 2008 fiscal year shall be credited to the
9 Trauma Care Assistance Revolving Fund,

10 b. every month, any amount over and above the amount
11 placed to the credit of the Trauma Care Assistance
12 Revolving Fund pursuant to subparagraph a of this
13 paragraph shall be credited to the Oklahoma Emergency
14 Response Systems Stabilization and Improvement
15 Revolving Fund as created in Section 8 of this act
16 until the combined amount credited to the Oklahoma
17 Emergency Response Systems Stabilization and
18 Improvement Revolving Fund pursuant to this section
19 and Section 402-3 of this title is equal to a total of
20 Two Million Five Hundred Thousand Dollars
21 (\$2,500,000.00) each year, and

22 c. any additional revenue allocated pursuant to this
23 paragraph shall be placed to the credit of the Trauma
24 Care Assistance Revolving Fund;

1 4. Four and sixty-nine-hundredths percent (4.69%) shall be
2 placed to the credit of the Oklahoma State University College of
3 Osteopathic Medicine Revolving Fund created in ~~Section 6 of this act~~
4 Section 160.2 of Title 62 of the Oklahoma Statutes;

5 5. Forty and six-hundredths percent (40.06%) shall be placed to
6 the credit of the Oklahoma Health Care Authority Medicaid Program
7 Fund created in Section 5020 of Title 63 of the Oklahoma Statutes
8 for the purposes of maintaining programs and services funded under
9 the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003",
10 reimbursing city/county-owned hospitals, increasing emergency room
11 physician rates, and providing TEFRA 134, also known as "Katie
12 Beckett" services;

13 6. Four and one-hundredths percent (4.01%) shall be placed to
14 the credit of the Department of Mental Health and Substance Abuse
15 Services Revolving Fund created in Section 2-303 of Title 43A of the
16 Oklahoma Statutes;

17 7. Sixty-seven-hundredths percent (0.67%) shall be placed to
18 the credit of the Belle Maxine Hilliard Breast and Cervical Cancer
19 Treatment Revolving Fund created in ~~Section 1 of Enrolled House Bill~~
20 ~~No. 2552 of the 2nd Session of the 49th Oklahoma Legislature~~ Section
21 1-559 of Title 63 of the Oklahoma Statutes; and

22 8. One percent (1%) shall be placed to the credit of the
23 Tobacco Prevention and Cessation Revolving Fund created in Section
24 1-105d of Title 63 of the Oklahoma Statutes.

1 E. No part of the revenues resulting from the additional taxes
2 levied in this section shall be used in determining the amount of
3 cigarette tax collections to be paid into:

4 1. The State of Oklahoma Building Bonds of 1961 Sinking Fund
5 pursuant to the provisions of Sections 57.31 through 57.43 of Title
6 62 of the Oklahoma Statutes;

7 2. The State of Oklahoma Institutional Building Bonds of 1965
8 Sinking Fund pursuant to the provisions of Sections 57.61 through
9 57.73 of Title 62 of the Oklahoma Statutes;

10 3. The State of Oklahoma Institutional Building Bonds of 1965
11 Sinking Fund Series C and Series D pursuant to Sections 57.81
12 through 57.112 of Title 62 of the Oklahoma Statutes;

13 4. The State of Oklahoma Building Bonds of 1968 Sinking Fund
14 pursuant to the provisions of Sections 57.121 through 57.193 of
15 Title 62 of the Oklahoma Statutes; or

16 5. The Oklahoma Building Bonds of 1992 Sinking Fund pursuant to
17 the provisions of Sections 57.300 through 57.313 of Title 62 of the
18 Oklahoma Statutes.

19 F. The cigarette taxes levied in this section shall be
20 collected and administered in all respects not inconsistent with as
21 now or hereafter provided for by law for other cigarette taxes now
22 levied, collected, and administered pursuant to the provisions of
23 Sections 301 through 325 of ~~Title 68 of the Oklahoma Statutes~~ this
24 title.

1 SECTION 10. AMENDATORY Section 10, Chapter 322, O.S.L.
2 2004 (68 O.S. Supp. 2007, Section 402-3), is amended to read as
3 follows:

4 Section 402-3. A. In addition to the tax levied in Sections
5 402, 402-1 and 402-2 of ~~Title 68 of the Oklahoma Statutes~~ this
6 title, effective January 1, 2005, there shall be levied, assessed,
7 collected, and paid in respect to the articles containing tobacco
8 enumerated in Section 401 et seq. of ~~Title 68 of the Oklahoma~~
9 ~~Statutes~~ this title, a tax in the following amounts:

10 1. Little Cigars. Upon cigars of all descriptions made of
11 tobacco, or any substitute therefor, and weighing not more than
12 three (3) pounds per thousand, twenty-seven (27) mills for each
13 cigar. Provided, that the tax levied on the products coming under
14 this paragraph shall not apply if the tax on such products is
15 reported and paid as cigarette tax under Sections 301 through 325 of
16 ~~Title 68 of the Oklahoma Statutes~~ this title;

17 2. Cigars. Upon all other cigars of all descriptions made of
18 tobacco, or any substitute therefor, and weighing more than three
19 (3) pounds per thousand, Ninety Dollars (\$90.00) per thousand. For
20 the purpose of computing the tax, cheroots, stogies, etc., are
21 hereby classed as cigars;

22 3. Smoking Tobacco. Upon all smoking tobacco including
23 granulated, plug cut, crimp cut, ready rubbed and other kinds and
24 forms of tobacco prepared in such manner as to be suitable for

1 smoking in a pipe or cigarette, the tax shall be forty percent (40%)
2 of the factory list price exclusive of any trade discount, special
3 discount or deals; and

4 4. Chewing Tobacco. Upon chewing tobacco, smokeless tobacco,
5 and snuff, the tax shall be thirty percent (30%) of the factory list
6 price exclusive of any trade discount, special discount or deals.

7 B. Except as provided in subsection C of this section, the
8 revenue resulting from the additional tax levied in subsection A of
9 this section shall be apportioned by the Oklahoma Tax Commission and
10 transmitted to the State Treasurer as follows:

11 1. Twenty-two and six-hundredths percent (22.06%) shall be
12 placed to the credit of the Health Employee and Economy Improvement
13 Act Revolving Fund created in ~~Section 1 of Enrolled Senate Bill No.~~
14 ~~1546 of the 2nd Session of the 49th Oklahoma Legislature~~ Section
15 1010.1 of Title 56 of the Oklahoma Statutes;

16 2. Three and nine-hundredths percent (3.09%) shall be placed to
17 the credit of the Comprehensive Cancer Center Debt Service Revolving
18 Fund created in ~~Section 5 of this act~~ Section 160 of Title 62 of the
19 Oklahoma Statutes;

20 3. ~~Seven~~ Before July 1, 2008, seven and fifty-hundredths
21 percent (7.50%) shall be placed to the credit of the Trauma Care
22 Assistance Revolving Fund created in Section 1-2522 of Title 63 of
23 the Oklahoma Statutes. On and after July 1, 2008, seven and fifty-
24 hundredths percent (7.50%) shall be allocated as follows:

1 a. every month, an amount equal to the actual amount
2 placed to the credit of the Trauma Care Assistance
3 Revolving Fund pursuant to this paragraph for the same
4 month of the 2008 fiscal year shall be credited to the
5 Trauma Care Assistance Revolving Fund,

6 b. every month, any amount over and above the amount
7 placed to the credit of the Trauma Care Assistance
8 Revolving Fund pursuant to subparagraph a of this
9 paragraph shall be credited to the Oklahoma Emergency
10 Response Systems Stabilization and Improvement
11 Revolving Fund as created in Section 8 of this act
12 until the combined amount credited to the Oklahoma
13 Emergency Response Systems Stabilization and
14 Improvement Revolving Fund pursuant to this section
15 and Section 302-5 of this title is equal to Two
16 Million Five Hundred Thousand Dollars (\$2,500,000.00)
17 each year, and

18 c. any additional revenue allocated pursuant to this
19 paragraph shall be placed to the credit of the Trauma
20 Care Assistance Revolving Fund;

21 4. Three and nine-hundredths percent (3.09%) shall be placed to
22 the credit of the Oklahoma State University College of Osteopathic
23 Medicine Revolving Fund created in ~~Section 6 of this act~~ Section
24 160.2 of Title 62 of the Oklahoma Statutes;

1 5. Twenty-six and thirty-eight-hundredths percent (26.38%)
2 shall be placed to the credit of the Oklahoma Health Care Authority
3 Medicaid Program Fund created in Section 5020 of Title 63 of the
4 Oklahoma Statutes for the purposes of maintaining programs and
5 services funded under the federal "Jobs and Growth Tax Relief
6 Reconciliation Act of 2003", reimbursing city/county-owned
7 hospitals, increasing emergency room physician rates, and providing
8 TEFRA 134, also known as "Katie Beckett" services;

9 6. Two and sixty-five-hundredths percent (2.65%) shall be
10 placed to the credit of the Department of Mental Health and
11 Substance Abuse Services Revolving Fund created in Section 2-303 of
12 Title 43A of the Oklahoma Statutes;

13 7. Forty-four-hundredths of one percent (0.44%) shall be placed
14 to the credit of the Belle Maxine Hilliard Breast and Cervical
15 Cancer Treatment Revolving Fund created in ~~Section 1 of Enrolled~~
16 ~~House Bill No. 2552 of the 2nd Session of the 49th Oklahoma~~
17 ~~Legislature~~ Section 1-559 of Title 63 of the Oklahoma Statutes;

18 8. One percent (1%) shall be placed to the credit of the
19 Teachers' Retirement System Revolving Fund created in Section 158 of
20 Title 62 of the Oklahoma Statutes;

21 9. Two and seven-hundredths percent (2.07%) shall be placed to
22 the credit of the Education Reform Revolving Fund created in Section
23 41.29b of Title 62 of the Oklahoma Statutes;

24

1 10. Sixty-six-hundredths percent (.66%) shall be placed to the
2 credit of the Tobacco Prevention and Cessation Revolving Fund
3 created in Section 1-105d of Title 63 of the Oklahoma Statutes;

4 11. Sixteen and eighty-three-hundredths percent (16.83%) shall
5 be placed to the credit of the General Revenue Fund; and

6 12. For fiscal years beginning July 1, 2004, and ending June
7 30, 2006, fourteen and twenty-three-hundredths percent (14.23%)
8 shall be apportioned to municipalities and counties that levy a
9 sales tax, in the proportions which total municipal and county sales
10 tax revenue was apportioned by the Tax Commission in the preceding
11 month.

12 For fiscal years beginning July 1, 2006, and thereafter, the
13 apportionment percentage specified in paragraph 12 of this
14 subsection will be adjusted by dividing the total municipal and
15 county sales tax revenue collected in the calendar year immediately
16 preceding the commencement of the fiscal year by the sum of the
17 state sales tax revenue and total municipal and county sales tax
18 revenue collected in the same year. This ratio shall be divided by
19 the ratio of the total municipal and county sales tax revenue
20 collected in the calendar year beginning January 1, 2004, and ending
21 December 31, 2004, divided by the sum of the state sales tax revenue
22 and total municipal and county sales tax revenue collected in the
23 same year. The resulting quotient shall be multiplied by fourteen
24

1 and twenty-three-hundredths percent (14.23%) to determine the
2 apportionment percentage for the fiscal year.

3 For fiscal years beginning July 1, 2006, and thereafter, any
4 adjustment to the percentage of revenues apportioned to
5 municipalities and counties shall be reflected in the percent of
6 revenues apportioned to the General Revenue Fund.

7 C. The net amount of any revenue resulting from a payment in
8 lieu of excise taxes on little cigars, cigars, smoking tobacco and
9 chewing tobacco levied by this section, pursuant to a compact with a
10 federally recognized Indian tribe or nation after deductions for
11 deposits into trust accounts pursuant to such compacts, shall be
12 apportioned by the Tax Commission and transmitted to the State
13 Treasurer as follows:

14 1. Thirty-three and forty-nine-hundredths percent (33.49%)
15 shall be placed to the credit of the Health Employee and Economy
16 Improvement Act Revolving Fund created in ~~Section 1 of Enrolled~~
17 ~~Senate Bill No. 1546 of the 2nd Session of the 49th Oklahoma~~
18 ~~Legislature~~ Section 1010.1 of Title 56 of the Oklahoma Statutes;

19 2. Four and sixty-nine-hundredths percent (4.69%) shall be
20 placed to the credit of the Comprehensive Cancer Center Debt Service
21 Revolving Fund created in ~~Section 5 of this act~~ Section 160 of Title
22 62 of the Oklahoma Statutes;

23 3. ~~Eleven~~ Before July 1, 2008, eleven and thirty-nine-
24 hundredths percent (11.39%) shall be placed to the credit of the

1 Trauma Care Assistance Revolving Fund created in Section 1-2522 of
2 Title 63 of the Oklahoma Statutes. On and after July 1, 2008,
3 eleven and thirty-nine-hundredths percent (11.39%) shall be
4 allocated as follows:

5 a. every month, an amount equal to the actual amount
6 placed to the credit of the Trauma Care Assistance
7 Revolving Fund pursuant to this paragraph for the same
8 month of the 2008 fiscal year shall be credited to the
9 Trauma Care Assistance Revolving Fund,

10 b. every month, any amount over and above the amount
11 placed to the credit of the Trauma Care Assistance
12 Revolving Fund pursuant to subparagraph a of this
13 paragraph shall be credited to the Oklahoma Emergency
14 Response Systems Stabilization and Improvement
15 Revolving Fund as created in Section 8 of this act
16 until the combined amount credited to the Oklahoma
17 Emergency Response Systems Stabilization and
18 Improvement Revolving Fund pursuant to this section
19 and Section 302-5 of this title is equal to Two
20 Million Five Hundred Thousand Dollars (\$2,500,000.00)
21 each year, and

22 c. any additional revenue allocated pursuant to this
23 paragraph shall be placed to the credit of the Trauma
24 Care Assistance Revolving Fund;

1 4. Four and sixty-nine-hundredths percent (4.69%) shall be
2 placed to the credit of the Oklahoma State University College of
3 Osteopathic Medicine Revolving Fund created in ~~Section 6 of this act~~
4 Section 160.2 of Title 62 of the Oklahoma Statutes;

5 5. Forty and six-hundredths percent (40.06%) shall be placed to
6 the credit of the Oklahoma Health Care Authority Medicaid Program
7 Fund created in Section 5020 of Title 63 of the Oklahoma Statutes
8 for the purposes of maintaining programs and services funded under
9 the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003",
10 reimbursing city/county-owned hospitals, increasing emergency room
11 physician rates, and providing TEFRA 134, also known as "Katie
12 Beckett" services;

13 6. Four and one-hundredths percent (4.01%) shall be placed to
14 the credit of the Department of Mental Health and Substance Abuse
15 Services Revolving Fund created in Section 2-303 of Title 43A of the
16 Oklahoma Statutes;

17 7. Sixty-seven-hundredths percent (0.67%) shall be placed to
18 the credit of the Belle Maxine Hilliard Breast and Cervical Cancer
19 Treatment Revolving Fund created in ~~Section 1 of Enrolled House Bill~~
20 ~~No. 2552 of the 2nd Session of the 49th Oklahoma Legislature~~ Section
21 1-559 of Title 63 of the Oklahoma Statutes; and

22 8. One percent (1%) shall be placed to the credit of the
23 Tobacco Prevention and Cessation Revolving Fund created in Section
24 1-105d of Title 63 of the Oklahoma Statutes.

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D. It shall not be permissible for a retailer to advertise that the retailer will absorb the tax due on the taxable merchandise described herein. Such tax shall be paid by the consumer.

SECTION 11. This act shall become effective November 1, 2008.

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