

SB 1918

Senate Bill No. 1918
As Amended

SENATE BILL NO. 1918 - By: ADELSON of the Senate and DENNEY of the House.

[public health and safety - communicable diseases - 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:

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

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

2. "Active tuberculosis disease" means a stage of tuberculosis in which compatible pathologic changes are present or are demonstrated by clinical, bacteriologic, radiographic evidence, and/or other diagnostic procedures. Persons diagnosed with tuberculosis are considered to have active tuberculosis disease

1 until they have completed a full course of anti-tuberculosis
2 treatment as prescribed or approved by the State Commissioner of
3 Health;

4 3. "Tuberculosis infection" means a stage of tuberculosis
5 characterized by having a positive or a history of a positive
6 response to a tuberculin skin test or other laboratory test for
7 tuberculosis infection, but not having clinical, radiographic or
8 other evidence of disease.

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

11 Section 1-402. When any local health officer shall have
12 reasonable grounds to believe that any person has tuberculosis ~~in an~~
13 ~~active stage or in a communicable form~~ disease, and ~~who~~ but will not
14 voluntarily seek a medical examination, then it shall be the duty of
15 such local health officer to order such person in writing to undergo
16 an examination by a physician ~~qualified in chest diseases, or at~~
17 ~~some state or federal sanatorium or hospital, or at some clinic,~~
18 ~~hospital or sanatorium~~ approved by the State Commissioner of Health
19 for such examinations. It shall be the duty of the suspected person
20 to ~~present himself for~~ submit to examination at such time and place
21 as ordered by the local health officer. The examination shall
22 include an X-ray of the chest, examinations of sputum, and such
23 other forms and types of examinations as shall be approved by the

1 Commissioner. If, upon examination, it shall be determined that the
2 person has active or suspected active tuberculosis ~~in an active~~
3 ~~stage or in a communicable form~~ disease, then it shall be the duty
4 of such tuberculous person to ~~arrange for admission of himself as a~~
5 ~~patient in one of the state or federal sanatoria or hospitals, or in~~
6 ~~some private hospital, or in a ward of a private hospital maintained~~
7 ~~and operated for the treatment of tuberculosis patients, or when~~
8 ~~there is no danger to the public or to other individuals as~~
9 ~~determined by the local health officer, and upon the approval of~~
10 comply with the orders of the Commissioner, ~~he may receive treatment~~
11 ~~at home.~~

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

14 Section 1-403. Whenever it has been determined that any person
15 has tuberculosis ~~in an active stage or in a communicable form, and~~
16 ~~the person is not immediately admitted as a patient in any state or~~
17 ~~federal sanatorium or hospital, or in any private hospital, or ward~~
18 ~~of a private hospital maintained for the treatment of tuberculosis,~~
19 it shall be the duty of the local health officer to instruct such
20 person as to the precautions necessary ~~to be taken~~ to protect the
21 members of the person's household or the community from becoming
22 infected with tuberculosis communicated by such person, ~~and it.~~ It
23 shall be the duty of the tuberculous person ~~to conduct himself and~~

1 to live in such a manner as not to expose members of ~~his~~ the
2 person's family or household, or any other person with whom ~~he~~ the
3 person may be associated, ~~to danger of infection, and the.~~ The
4 local health officer shall investigate ~~from time to time~~
5 periodically for the purpose of ~~seeing~~ determining if ~~his~~ the
6 instructions are being carried out in a reasonable and acceptable
7 manner.

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

10 Section 1-409. The State Commissioner of Health may, on behalf
11 of the State of Oklahoma, enter into a reciprocal agreement with
12 another state providing for care and treatment, ~~in a sanatorium of~~
13 ~~one of the states,~~ of persons having active tuberculosis who are
14 residents of the other state, or for the transportation or return of
15 any such nonresident person from one of the states to the other
16 state of which ~~he~~ such person is a resident.

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

19 Section 1-410. When the State Commissioner of Health shall have
20 reasonable grounds to believe that any person has active
21 tuberculosis ~~in an active stage or in the communicable form~~ disease,
22 the Commissioner may require isolation, hospitalization or other
23 confinement for treatment of such person. The State Commissioner of

1 Health is hereby authorized to contract with any hospital and/or
2 physician to provide such hospitalization ~~and~~ or treatment as
3 required and shall be exempt from the provisions of the Oklahoma
4 Central Purchasing Act in contracting for such hospitalization and
5 treatment, as specified in ~~Title 74,~~ Section 85.4, of Title 74 of
6 the Oklahoma Statutes. If any person shall be convicted for a
7 violation of any of the provisions of ~~63 O.S. 1971,~~ Sections 1-402
8 and 1-403 of this title, then such person shall be committed by the
9 judge of the district court for isolation or confinement and
10 treatment ~~into~~ in such institution or at such location or facility
11 as designated by the State Commissioner of Health.

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

14 Section 1-504. A. Whenever a local health officer determines
15 or suspects that a person has been exposed to and may be incubating
16 a communicable disease of public health concern, ~~he~~ the local health
17 officer may impose a quarantine ~~on~~ upon such person and require such
18 person to remain out of public contact and in the place or premises
19 where such person usually stays, ~~and notice.~~ Notice thereof shall
20 be given in accordance with the rules and regulations of the State
21 Board of Health, ~~and it.~~ It shall be unlawful for such person, or
22 any other person, to violate the terms or conditions of the
23 quarantine.

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
16 2-21-08 - DO PASS, As Amended and Coauthored.