

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1918

By: Adelson

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2001, Sections 1-401, 1-402, 1-403, 1-409, 1-
9 410 and 1-504, which relate to communicable diseases;
10 modifying definitions; modifying procedures related
11 to the examination and treatment of tuberculosis;
12 updating language; making language gender-neutral;
13 permitting isolation in certain circumstances;
14 modifying procedures related to quarantine and
15 isolation; requiring certain notice; permitting
16 certain courts to grant injunctive relief in
17 specified circumstances; and providing an effective
18 date.

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

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

22 Section 1-401. ~~Wherever the words "active tuberculosis" appear~~
23 ~~in this article, they shall be construed to mean that the disease is~~
24 ~~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 1. "Tuberculosis disease" means disease caused by Mycobacterium
2 tuberculosis complex;

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

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

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

18 Section 1-402. When any local health officer shall have
19 reasonable grounds to believe that any person has tuberculosis ~~in an~~
20 ~~active stage or in a communicable form~~ disease, ~~and who~~ but will not
21 voluntarily seek a medical examination, then it shall be the duty of
22 such local health officer to order such person in writing to undergo
23 an examination by a physician ~~qualified in chest diseases, or at~~
24 ~~some state or federal sanatorium or hospital, or at some clinic,~~

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

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

20 Section 1-403. Whenever it has been determined that any person
21 has tuberculosis ~~in an active stage or~~ in a communicable form, and
22 ~~the person is not immediately admitted as a patient in any state or~~
23 ~~federal sanatorium or hospital, or in any private hospital, or ward~~
24 ~~of a private hospital maintained for the treatment of tuberculosis,~~

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

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

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

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

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

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

19 Section 1-504. A. Whenever a local health officer determines
20 or suspects that a person has been exposed to and may be incubating
21 a communicable disease of public health concern, ~~he~~ the local health
22 officer may impose a quarantine ~~on~~ upon such person and require such
23 person to remain out of public contact and in the place or premises
24 where such person usually stays, ~~and notice.~~ Notice thereof shall

1 be given in accordance with the rules and regulations of the State
2 Board of Health, ~~and it.~~ It shall be unlawful for such person, or
3 any other person, to violate the terms or conditions of the
4 quarantine.

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

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

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

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