

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 2022

By: Kern

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to firearms; amending 21 O.S. 2011,  
9 Section 1289.27, which relates to firearm inquiries;  
10 prohibiting physicians and health care providers from  
11 making certain inquiry; defining terms; and providing  
12 an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.27, is  
15 amended to read as follows:

16 Section 1289.27

17 PROHIBITING FIREARM INQUIRY BY EMPLOYER,

18 PHYSICIAN OR HEALTH CARE PROVIDER

19 A. It shall be unlawful for any private employer doing business  
20 in this state to ask any applicant for employment information about  
21 whether the applicant owns or possesses a firearm. Any private  
22 employer who violates the provisions of this section shall, upon  
23 conviction, be guilty of a misdemeanor punishable by a fine of not  
24 more than One Thousand Dollars (\$1,000.00).

1 B. All public employers and public officials within this state  
2 shall be prohibited from asking any applicant for employment  
3 information about whether the applicant owns or possesses a firearm.  
4 Any public employer or public official who violates the provisions  
5 of this subsection shall be deemed to be acting outside the scope of  
6 their employment and shall be barred from seeking statutory immunity  
7 from any exemption or provision of The Governmental Tort Claims Act.

8 C. It shall be unlawful for any physician, health care provider  
9 or employee working for a physician or health care provider, doing  
10 business in this state to ask any patient or parent of the patient  
11 information about whether the patient or parent of the patient owns  
12 or possesses a firearm. Any physician, health care provider or  
13 employee working for a physician or health care provider, who  
14 violates the provisions of this section shall, upon conviction, be  
15 guilty of a misdemeanor punishable by a fine of not more than One  
16 Thousand Dollars (\$1,000.00).

17 D. As used in this section:

18 1. "Health care provider" means a person who is licensed,  
19 certified, or otherwise authorized by the laws of this state to  
20 administer health care in the ordinary course of business or  
21 practice of a profession. The term "health care provider" shall not  
22 include any person licensed as a psychiatrist, psychologist,  
23 counselor, therapist or any other licensed mental health  
24 professional;

1        2. "Patient" means any person, including a child, who is being  
2 treated by a physician or health care provider;

3        3. "Physician" means a person who is licensed to practice  
4 medicine in this state. The term "physician" shall not include any  
5 person licensed as a psychiatrist, psychologist, counselor,  
6 therapist or any other licensed mental health professional;

7        4. "Private employer" means any individual, partnership, firm,  
8 association, corporation or nonprofit organization that employs or  
9 offers to employ one or more persons in this state;

10        ~~2.~~ 5. "Public employer" means the State of Oklahoma or any  
11 political subdivision thereof, including any department, agency,  
12 board, commission, institution, authority, public trust,  
13 municipality, county, district or instrumentalities thereof; and

14        ~~3.~~ 6. "Public official" means any elected or appointed official  
15 in the executive, legislative or judicial branch of a political  
16 subdivision of the state.

17        SECTION 2. This act shall become effective November 1, 2013.

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19        54-1-7269            SD            02/21/13

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