

1 **THE STATE SENATE**
2 **Thursday, March 20, 2003**

3 **Committee Substitute for**
4 **ENGROSSED**
5 **House Bill No. 1467**

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1467 - By: PAULK
7 of the House and MONSON of the Senate.

8 [Catastrophic Health Emergency Powers Act - public health
9 authority - health care supplies - promulgation of rules -
10 codification]

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 6101 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 This act may be cited as the "Catastrophic Health Emergency
16 Powers Act".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6102 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 The Oklahoma Legislature finds that:

21 1. The government must do more to protect the health, safety,
22 and general well-being of its citizens during a catastrophic health
23 emergency;

24 2. New and emerging dangers, including emergent and resurgent
25 infectious diseases and incidents of civilian mass casualties, pose

1 serious and immediate threats during a catastrophic health
2 emergency;

3 3. A renewed focus on the prevention, detection, management,
4 and containment of catastrophic health emergencies is needed;

5 4. Catastrophic health emergency threats, including those
6 caused by nuclear, biological or chemical events, may require the
7 exercise of extraordinary government powers and functions;

8 5. This state must have the ability to respond, rapidly and
9 effectively, to potential or actual catastrophic health emergencies;

10 6. The exercise of catastrophic health emergency powers must
11 promote the common good;

12 7. Catastrophic emergency health powers must be grounded in a
13 thorough scientific understanding of public health threats and
14 disease transmission;

15 8. Guided by principles of justice and antidiscrimination, it
16 is the duty of this state to act with fairness and tolerance towards
17 individuals and groups during catastrophic health emergencies;

18 9. The rights of people to liberty, bodily integrity, and
19 privacy must be respected to the fullest extent possible consistent
20 with maintaining and preserving the health and security of the
21 public during a catastrophic health emergency;

1 10. This act is necessary to protect the health and safety of
2 the citizens of this state during a catastrophic health emergency;
3 and

4 11. The provisions of Sections 9 through 34 of this act shall
5 only be activated upon the occurrence of a catastrophic health
6 emergency.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 6103 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

10 The purposes of this act are:

11 1. To require the development of a comprehensive plan to
12 provide for a coordinated, appropriate response in the event of a
13 catastrophic health emergency;

14 2. To authorize the reporting and collection of data and
15 records, the management of property, the protection of persons, and
16 access to communications during a catastrophic health emergency;

17 3. To facilitate the early detection of a catastrophic health
18 emergency, and allow for immediate investigation of such a
19 catastrophic health emergency by granting access to health
20 information of individuals under specified circumstances;

21 4. To grant state and local officials the authority during a
22 catastrophic health emergency to provide care, treatment, and
23 vaccination to persons who are ill or who have been exposed to

1 transmissible diseases, and to separate affected individuals from
2 the population at large to interrupt disease transmission;

3 5. To ensure during a catastrophic health emergency that the
4 needs of infected or exposed persons are properly addressed to the
5 fullest extent possible, given the primary goal of controlling
6 serious health threats; and

7 6. To provide, during a catastrophic health emergency, state
8 and local officials with the ability to prevent, detect, manage, and
9 contain health threats without unduly interfering with civil rights
10 and liberties.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6104 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 As used in this act:

15 1. "Bioterrorism" means the intentional use of any
16 microorganism, virus, infectious substance, or biological product
17 that may be engineered as a result of biotechnology, or any
18 naturally occurring or bioengineered component of any such
19 microorganism, virus, infectious substance, or biological product,
20 to cause death, disease, or other biological malfunction in a human,
21 an animal, a plant, or another living organism in order to influence
22 the conduct of government or to intimidate or coerce a civilian
23 population;

1 2. "Catastrophic health emergency" means an occurrence of
2 imminent threat of an illness or health condition that:

3 a. is believed to be caused by any of the following:

4 (1) a nuclear attack,

5 (2) bioterrorism, or

6 (3) a chemical attack, and

7 b. poses a high probability of any of the following
8 harms:

9 (1) a large number of deaths in the affected
10 population,

11 (2) a large number of serious or long-term
12 disabilities in the affected population, or

13 (3) widespread exposure to an infectious or toxic
14 agent that poses a significant risk of
15 substantial future harm to a large number of
16 people in the affected population;

17 3. "Chain of custody" means the methodology of tracking
18 specimens for the purpose of maintaining control and accountability
19 from initial collection to final disposition of the specimens and
20 providing for accountability at each stage of collecting, handling,
21 testing, storing, and transporting the specimens and reporting test
22 results;

23 4. "Contaminated waste" means:

- 1 a. "biological waste", which includes blood and blood
2 products, excretions, exudates, secretions, suctioning
3 and other body fluids, and waste materials saturated
4 with blood or body fluids,
- 5 b. "cultures and stocks", which includes etiologic agents
6 and associated biologicals, including specimen
7 cultures and dishes and devices used to transfer,
8 inoculate, and mix cultures, wastes from production of
9 biologicals and serums, and discarded live and
10 attenuated vaccines,
- 11 c. "pathological waste", which includes biopsy materials
12 and all human tissues, anatomical parts that emanate
13 from surgery, obstetrical procedures, necropsy or
14 autopsy and laboratory procedures, and animal
15 carcasses exposed to pathogens in research and the
16 bedding and other waste from such animals, but does
17 not include teeth or formaldehyde or other
18 preservative agents, and
- 19 d. "sharps", which includes needles, I.V. tubing with
20 needles attached, scalpel blades, lancets, breakable
21 glass tubes, and syringes that have been removed from
22 their original sterile containers;

1 5. "Health care facility" means any nonfederal institution,
2 building, or agency or portion thereof, whether public or private or
3 for profit or nonprofit, that is used, operated, or designed to
4 provide health services, medical treatment, or nursing,
5 rehabilitative, or preventive care to any person or persons. This
6 includes, but is not limited to: ambulatory surgical facilities,
7 hospitals, infirmaries, intermediate care facilities, kidney
8 dialysis centers, long-term care facilities, mental health centers,
9 outpatient facilities, public health centers, rehabilitation
10 facilities, residential treatment facilities, skilled nursing
11 facilities, special care facilities, medical laboratories, and adult
12 day-care centers. This also includes, but is not limited to, the
13 following related property when used for or in connection with the
14 foregoing: laboratories; research facilities; pharmacies; laundry
15 facilities; health personnel training and lodging facilities;
16 patient, guest, and health personnel food service facilities; and
17 offices and office buildings for persons engaged in health care
18 professions or services;

19 6. "Health care provider" means any person or entity who
20 provides health care services including, but not limited to,
21 physicians, pharmacists, dentists, physician assistants, nurse
22 practitioners, registered and other nurses, paramedics, emergency

1 medical or laboratory technicians, and ambulance and emergency
2 medical workers;

3 7. "Infectious disease" means a disease caused by a living
4 organism or other pathogen, including a fungus, bacillus, parasite,
5 protozoan, or virus. An infectious disease may, or may not, be
6 transmissible from person to person, animal to person, or insect to
7 person;

8 8. "Isolation" means the physical separation and confinement of
9 an individual or groups of individuals who are infected or
10 reasonably believed to be infected with a transmissible or possibly
11 transmissible disease from nonisolated individuals, to prevent or
12 limit the transmission of the disease to nonisolated individuals;

13 9. "Mental health support personnel" means, but is not limited
14 to, psychiatrists, psychologists, social workers, and volunteer
15 crisis counseling groups;

16 10. "Protected health information" means any information,
17 whether oral, written, electronic, visual, or any other form, that
18 relates to the past, present, or future physical or mental health
19 status, condition, treatment, service, products purchased, or
20 provision of care of an individual, and that reveals the identity of
21 the individual whose health care is the subject of the information,
22 or where there is a reasonable basis to believe such information
23 could be utilized either alone or with other information that is, or

1 should reasonably be known to be, available to predictable
2 recipients of such information to reveal the identity of that
3 individual;

4 11. "Public health authority" means the Oklahoma State
5 Commissioner of Health; or local health department that acts
6 principally to protect or preserve the health of the public; or any
7 person directly authorized to act on behalf of the Oklahoma State
8 Commissioner of Health or local health department;

9 12. "Public safety authority" means the Commissioner of Public
10 Safety; or any local government agency that acts principally to
11 protect or preserve the public safety; or any person directly
12 authorized to act on behalf of the Commissioner of Public Safety or
13 local agency;

14 13. "Quarantine" means the physical separation and confinement
15 of an individual or groups of individuals, who are or may have been
16 exposed to a transmissible or possibly transmissible disease and who
17 do not show signs or symptoms of a transmissible disease, from
18 nonquarantined individuals, to prevent or limit the transmission of
19 the disease to nonquarantined individuals;

20 14. "Specimens" means, but is not limited to, blood, sputum,
21 urine, stool, other bodily fluids, wastes, tissues, and cultures
22 necessary to perform required tests;

1 15. "Tests" means, but is not limited to, any diagnostic or
2 investigative analyses necessary to prevent the spread of disease or
3 protect the health, safety, and welfare of the public;

4 16. "Transmissible disease" means an infectious disease that
5 can be transmitted from person to person; and

6 17. "Trial court" means the district court for the area in
7 which isolation or quarantine is to occur, a court designated by the
8 Public Health Emergency Plan under this act, or to the district
9 court for the area in which a catastrophic health emergency has been
10 declared.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6105 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. There is hereby created the Oklahoma Catastrophic Health
15 Emergency Planning Task Force. The purpose of the task force is to
16 prepare a plan for responding to a catastrophic health emergency. A
17 vacancy on the task force shall be filled in the same manner as the
18 original appointment, for the unexpired portion of the term.

19 B. The task force shall be comprised as follows:

20 1. The cabinet secretary with responsibilities for health who
21 shall serve as chair of the task force;

22 2. The State Commissioner of Health or a designee;

1 3. The Director of the Department of Public Safety or a
2 designee;

3 4. The State Attorney General or a designee;

4 5. The Administrative Director of the Courts or a designee;

5 6. The Director of Civil Emergency Management or a designee;

6 7. Two members of the State Senate to be appointed by the
7 President Pro Tempore of the Senate;

8 8. Two members of the Oklahoma House of Representatives to be
9 appointed by the Speaker of the House of Representatives;

10 9. The Director of the Tulsa City-County Health Department or a
11 designee;

12 10. The Director of the Oklahoma City-County Health Department
13 or a designee;

14 11. The Commissioner of Labor or a designee;

15 12. The State Fire Marshal;

16 13. A representative of the Oklahoma State Board of Medical
17 Licensure and Supervision;

18 14. A representative of the State Board of Osteopathic
19 Examiners;

20 15. A representative of the Governor to be appointed by the
21 Governor;

22 16. A person appointed by the Governor representing a statewide
23 organization representing hospitals; and

1 17. The Director of the Oklahoma Indian Affairs Commission or a
2 designee.

3 C. No later than December 31, 2003, the task force shall
4 deliver a plan for responding to a catastrophic health emergency to
5 the Governor, the President Pro Tempore of the State Senate, and the
6 Speaker of the Oklahoma House of Representatives. The plan shall
7 include provisions or guidelines for the following:

8 1. Notification of and communication with the population during
9 a catastrophic health emergency;

10 2. Central coordination of resources, manpower, and services,
11 and responses by state, local, tribal, and federal agencies during a
12 catastrophic health emergency;

13 3. The location, procurement, storage, transportation,
14 maintenance, and distribution of essential materials including, but
15 not limited to, medical supplies, drugs, vaccines, food, shelter,
16 clothing, and beds during a catastrophic health emergency;

17 4. The role of law enforcement agencies in response to a
18 catastrophic health emergency;

19 5. The continued, effective operation of the judicial system
20 during a catastrophic health emergency including, if deemed
21 necessary, the identification and training of personnel to serve as
22 emergency judges regarding matters of isolation and quarantine;

1 6. The method of evacuating populations and housing and feeding
2 evacuated populations during a catastrophic health emergency;

3 7. The identification and training of health care providers to
4 diagnose and treat persons with infectious disease during a
5 catastrophic health emergency;

6 8. The vaccination of persons during a catastrophic health
7 emergency;

8 9. The treatment of persons who have been exposed to or who are
9 infected with diseases or health conditions that may be the cause of
10 a catastrophic health emergency;

11 10. The safe disposal of contaminated wastes and human remains
12 during a catastrophic health emergency;

13 11. The safe and effective control of persons isolated,
14 quarantined, vaccinated, tested, or treated during a catastrophic
15 health emergency;

16 12. Tracking the source and outcomes of infected persons during
17 a catastrophic health emergency;

18 13. Ensuring that during a catastrophic health emergency each
19 city and county within the state identifies the following:

- 20 a. sites where infected persons can be isolated or
21 quarantined and conditions for isolation or
22 quarantine,

- b. sites where medical supplies, food, and other essentials can be distributed to the population,
- c. sites where public health and emergency workers can be housed and fed, and
- d. routes and means of transportation of people and materials;

14. The recognition of cultural norms, values, religious principles, and traditions that may be relevant during a catastrophic health emergency; and

15. Other measures necessary to carry out the purposes of this act.

D. The task force shall, prior to implementation, distribute this plan to those who will be responsible for its implementation, other interested persons and the public and seek their review and comments.

E. The task force shall annually review, and revise as necessary, with public review and comment its plan for responding to a catastrophic health emergency.

F. Staff assistance for the task force shall be provided upon request by the chair of the task force by the agency or agencies determined to be appropriate by the chair.

1 G. Members of the task force shall receive no compensation for
2 serving on the task force, but shall receive travel reimbursement as
3 follows:

4 1. Legislative members of the task force shall be reimbursed
5 for their necessary travel expenses incurred in the performance of
6 their duties in accordance with Section 456 of Title 74 of the
7 Oklahoma Statutes; and

8 2. Nonlegislative members of the task force shall be reimbursed
9 pursuant to the Oklahoma Travel Reimbursement Act by their employing
10 or appointing agencies.

11 H. The task force shall comply with all provisions of the
12 Oklahoma Open Records Act and the Oklahoma Open Meeting Act.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6301 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A health care provider, coroner, or medical examiner shall
17 report all cases of persons who harbor any illness or health
18 condition that may be potential cause of a catastrophic health
19 emergency. Reportable illnesses and health conditions include, but
20 are not limited to, the diseases caused by the biological agents
21 listed in 42 C.F.R., Section 72, app. A (2000) and any illnesses or
22 health conditions identified by the public health authority.

1 B. In addition to the foregoing requirements for health care
2 providers, a pharmacist shall report any unusual or increased
3 prescription rates, unusual types of prescriptions, or unusual
4 trends in pharmacy visits that may be potential causes of a
5 catastrophic health emergency. Prescription-related events that
6 require a report include, but are not limited to:

7 1. An unusual increase in the sales of prescriptions or over-
8 the-counter pharmaceuticals to treat conditions that the public
9 health authority identifies through regulations;

10 2. An unusual increase in the number of prescriptions for
11 antibiotics; and

12 3. Any prescription that treats a disease that is relatively
13 uncommon or may be associated with bioterrorism.

14 C. The report shall be made electronically or in writing within
15 twenty-four (24) hours of identifying a trend to the public health
16 authority. The report shall include as much of the following
17 information as is available: the specific illness or health
18 condition that is the subject of the report; the name of the
19 patient, date of birth, sex, race, occupation, and current home and
20 work addresses, including city and county; the name and address of
21 the health care provider, coroner, or medical examiner and of the
22 reporting individual, if different; and any other information needed
23 to locate the patient for follow-up. For cases related to animal or

1 insect bites, the suspected locating information of the biting
2 animal or insect, and the name and address of any known owner, shall
3 be reported.

4 D. Any animal case of a zoonotic disease that is suspected to
5 be a bioterrorism event or associated with an outbreak shall be
6 reported to the State Veterinarian. Appropriate clinical specimens
7 will be required to be rapidly submitted for laboratory
8 confirmation. The State Veterinarian or State Veterinary Diagnostic
9 Laboratory Director or a designee will immediately report by
10 telephone confirmed veterinary cases of public health importance to
11 the State Department of Health.

12 E. For the purposes of this section, the definition of "health
13 care provider" shall include out-of-state medical laboratories,
14 provided that the out-of-state laboratories have agreed to the
15 reporting requirements of this state. Results must be reported by
16 the laboratory that performs the test, but an in-state laboratory
17 that sends specimens to an out-of-state laboratory is also
18 responsible for reporting results.

19 F. The public health authority may enforce the provisions of
20 this section in accordance with existing enforcement rules.

21 SECTION 7. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 6302 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

1 A. The public health authority shall ascertain the existence of
2 cases of an illness or health condition that may be potential causes
3 of a catastrophic health emergency; investigate all such cases for
4 sources of infection or contamination and to ensure that they are
5 subject to proper control measures; and define the distribution of
6 the illness or health condition. To fulfill these duties, the
7 public health authority shall identify exposed individuals as
8 follows:

9 1. Acting on information developed in accordance with Section 6
10 of this act, or other reliable information, the public health
11 authority shall identify all individuals thought to have been
12 exposed to an illness or health condition that may be a potential
13 cause of a catastrophic health emergency; and

14 2. The public health authority shall counsel and interview such
15 individuals where needed to assist in the positive identification of
16 exposed individuals and develop information relating to the source
17 and spread of the illness or health condition. Such information
18 includes the name and address, including city and county, of any
19 person from whom the illness or health condition may have been
20 contracted and to whom the illness or health condition may have
21 spread.

22 B. The public health authority shall, for examination purposes,
23 close, evacuate, or decontaminate any facility or decontaminate or

1 destroy any material when the authority reasonably suspects that
2 such facility or material may endanger the public health.

3 C. The public health authority may enforce the provisions of
4 this section in accordance with existing enforcement rules. An
5 order of the public health authority given to effectuate the
6 purposes of this section shall be enforceable immediately by the
7 public safety authority.

8 SECTION 8. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 6303 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Whenever the public safety authority or other state or local
12 government agency learns of a case of a reportable illness or health
13 condition, an unusual cluster, or a suspicious event that may be the
14 cause of a catastrophic health emergency, it shall immediately
15 notify the public health authority.

16 B. Whenever the public health authority learns of a case of a
17 reportable illness or health condition, an unusual cluster, or a
18 suspicious event that it reasonably believes has the potential to be
19 caused by terrorism, it shall immediately notify the public safety
20 authority, tribal authorities, and federal health and public safety
21 authorities.

22 C. Sharing of information on reportable illnesses, health
23 conditions, unusual clusters, or suspicious events between public

1 health and safety authorities shall be restricted to the information
2 necessary for the treatment, control, investigation, and prevention
3 of a catastrophic health emergency.

4 SECTION 9. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 6401 of Title 63, unless there
6 is created a duplication in numbering, reads as follows:

7 A state of catastrophic health emergency may be declared by the
8 Governor upon the occurrence of a "catastrophic health emergency" as
9 defined in paragraph 2 of Section 4 of this act. Prior to such a
10 declaration, the Governor shall consult with the public health
11 authority and may consult with any additional public health or other
12 experts as needed.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6402 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 A state of catastrophic health emergency shall be declared by an
17 executive order that specifies:

- 18 1. The nature of the catastrophic health emergency;
- 19 2. The political subdivisions or geographic areas subject to
20 the declaration;
- 21 3. The conditions that have brought about the catastrophic
22 health emergency;

1 4. The duration of the state of the catastrophic health
2 emergency, if less than thirty (30) days; and

3 5. The primary public health authority responding to the
4 catastrophic health emergency.

5 SECTION 11. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 6403 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The declaration of a state of catastrophic health emergency
9 shall activate the disaster response and recovery aspects of the
10 state, local, and inter-jurisdictional disaster emergency plans in
11 the affected political subdivisions or geographic areas. Such
12 declaration authorizes the deployment and use of any forces to which
13 the plans apply and the use or distribution of any supplies,
14 equipment, and materials and facilities assembled, stockpiled, or
15 available pursuant to this act.

16 B. During a state of catastrophic health emergency, the
17 Governor may:

18 1. Suspend the provisions of any regulatory statute prescribing
19 procedures for conducting state business, or the orders and rules of
20 any state agency, to the extent that strict compliance with the same
21 would prevent, hinder, or delay necessary action (including
22 emergency purchases) by the public health authority to respond to

1 the catastrophic health emergency, or increase the health threat to
2 the population;

3 2. Utilize all available resources of the state government and
4 its political subdivisions, as reasonably necessary to respond to
5 the catastrophic health emergency;

6 3. Transfer the direction, personnel, or functions of state
7 departments and agencies in order to perform or facilitate response
8 and recovery programs regarding the catastrophic health emergency;

9 4. Mobilize all or any part of the National Guard into service
10 of the state. An order directing the National Guard to report for
11 active duty shall state the purpose for which it is mobilized and
12 the objectives to be accomplished;

13 5. Provide aid to and seek aid from other states during the
14 catastrophic health emergency in accordance with any interstate
15 emergency compact made with this state; and

16 6. Seek aid from the federal government for the catastrophic
17 health emergency in accordance with federal programs or
18 requirements.

19 C. The public health authority shall coordinate all matters
20 pertaining to the catastrophic health emergency response of the
21 state. The public health authority shall have primary jurisdiction,
22 responsibility, and authority for:

1 1. Planning and executing catastrophic health emergency
2 assessment, mitigation, preparedness response, and recovery for the
3 state;

4 2. Coordinating catastrophic health emergency response between
5 state and local authorities during a catastrophic health emergency;

6 3. Collaborating with relevant federal government authorities,
7 elected officials of other states, private organizations or
8 companies during a catastrophic health emergency;

9 4. Coordinating recovery operations and mitigation initiatives
10 subsequent to catastrophic health emergencies; and

11 5. Organizing public information activities regarding
12 catastrophic health emergency response operations.

13 D. After the declaration of a state of catastrophic health
14 emergency, special identification for all public health personnel
15 working during the catastrophic health emergency shall be issued as
16 soon as possible. The identification shall indicate the authority
17 of the bearer to exercise public health functions and emergency
18 powers during the state of catastrophic health emergency. Public
19 health personnel shall wear the identification in plain view.

20 SECTION 12. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6404 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

1 During a state of catastrophic health emergency, the public
2 health authority may request assistance in enforcing orders pursuant
3 to this act from the public safety authority. The public safety
4 authority may request assistance from the National Guard in
5 enforcing the orders of the public health authority.

6 SECTION 13. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 6405 of Title 63, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Governor shall terminate the declaration of a state of
10 catastrophic health emergency by executive order upon finding that
11 the occurrence of the condition that caused the catastrophic health
12 emergency no longer poses a high probability of a large number of
13 deaths in the affected population, a large number of incidents of
14 serious permanent or long-term disability in the affected
15 population, or a significant risk of substantial future harm to a
16 large number of people in the affected population.

17 B. Notwithstanding any other provision of this act, the
18 declaration of a state of catastrophic health emergency shall be
19 terminated automatically after thirty (30) days unless renewed by
20 the Governor under the same standards and procedures set forth in
21 this act. Any such renewal shall also be terminated automatically
22 after thirty (30) days unless renewed by the Governor under the same
23 standards and procedures set forth in this act.

1 C. If the Governor declares a catastrophic health emergency,
2 the State Legislature by concurrent resolution may terminate a state
3 of catastrophic health emergency at any time. Thereupon, the
4 Governor shall by appropriate action end the state of catastrophic
5 health emergency. Such termination by the State Legislature shall
6 override any renewal by the Governor.

7 D. All orders or legislative actions terminating the
8 declaration of a state of catastrophic health emergency shall
9 indicate the nature of the emergency, the area or areas threatened,
10 and the conditions that make possible the termination of the
11 declaration.

12 SECTION 14. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 6501 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The public health authority may exercise, for such period as
16 the state of catastrophic health emergency exists, the following
17 powers regarding the safe disposal of contaminated waste:

18 1. To adopt and enforce measures to provide for the safe
19 disposal of contaminated waste as may be reasonable and necessary to
20 respond to the catastrophic health emergency. Such measures may
21 include, but are not limited to, the collection, storage, handling,
22 destruction, treatment, transportation, and disposal of contaminated
23 waste; and

1 2. To require any business or facility authorized to collect,
2 store, handle, destroy, treat, transport, and dispose of
3 contaminated waste under the laws of this state, and any landfill
4 business or other such property, to accept contaminated waste, or
5 provide services or the use of the business, facility, or property
6 if such action is reasonable and necessary to respond to the
7 catastrophic health emergency as a condition of licensure,
8 authorization, or the ability to continue doing business in the
9 state as such a business or facility. The use of the business,
10 facility, or property may include transferring the management and
11 supervision of such business, facility, or property to the public
12 health authority for a period of time, which shall not exceed the
13 termination of the declaration of a state of catastrophic health
14 emergency.

15 B. All bags, boxes, or other containers for contaminated waste
16 shall be clearly identified as containing contaminated waste and, if
17 known, the type of contaminated waste.

18 SECTION 15. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 6502 of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The public health authority may exercise, for such period as
22 the state of catastrophic health emergency exists, the following
23 powers regarding the safe disposal of human remains:

1 1. To adopt and enforce measures to provide for the safe
2 disposal of human remains as may be reasonable and necessary to
3 respond to the catastrophic health emergency. Such measures may
4 include, but are not limited to, the embalming, burial, cremation,
5 interment, disinterment, transportation, and disposal of human
6 remains;

7 2. To take possession or control of any human remains;

8 3. To order the disposal of any human remains of a person who
9 has died of a transmissible disease through burial or cremation
10 within twenty-four (24) hours after death. To the extent possible,
11 religious, cultural, family, and individual beliefs of the deceased
12 person or the family of the deceased person shall be considered when
13 disposing of any human remains;

14 4. To require any business or facility authorized to embalm,
15 bury, cremate, inter, disinter, transport, and dispose of human
16 remains under the laws of this state to accept any human remains or
17 provide the use of its business or facility if such actions are
18 reasonable and necessary to respond to the catastrophic health
19 emergency as a condition of licensure, authorization, or the ability
20 to continue doing business in the state as such a business or
21 facility. The use of the business or facility may include
22 transferring the management and supervision of such business or
23 facility to the public health authority for a period of time, which

1 shall not exceed the termination of the declaration of a state of
2 catastrophic health emergency; and

3 5. To procure, by condemnation or otherwise, any business or
4 facility authorized to embalm, bury, cremate, inter, disinter,
5 transport, and dispose of human remains under the laws of this state
6 as may be reasonable and necessary to respond to the catastrophic
7 health emergency, with the right to take immediate possession
8 thereof.

9 B. Any human remains prior to disposal shall be clearly labeled
10 with all available information to identify the decedent and the
11 circumstances of death. Any human remains of a deceased person with
12 a transmissible disease shall have an external, clearly visible tag
13 indicating that the human remains are infected and, if known, the
14 transmissible disease.

15 C. Every person in charge of disposing of any human remains
16 during a catastrophic health emergency shall maintain a written or
17 electronic record of the human remains and all available information
18 to identify the decedent and the circumstances of death and
19 disposal. If human remains cannot be identified prior to disposal,
20 a qualified person shall, to the extent possible, take fingerprints
21 and photographs of the human remains, obtain identifying dental
22 information, and collect a DNA specimen. All information gathered

1 under this subsection shall be promptly forwarded to the public
2 health authority.

3 SECTION 16. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 6503 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The public health authority may purchase and distribute
7 antitoxins, serums, vaccines, immunizing agents, antibiotics, and
8 other pharmaceutical agents or medical supplies that it deems
9 advisable in the interest of preparing for or controlling a
10 catastrophic health emergency, without any additional legislative
11 authorization.

12 B. If a catastrophic health emergency results in a statewide or
13 regional shortage or threatened shortage of any product under
14 subsection A of this section, whether or not such product has been
15 purchased by the public health authority, the public health
16 authority may control, restrict, and regulate by rationing and using
17 quotas, prohibitions on shipments, allocation, or other means, the
18 use, sale, dispensing, distribution, or transportation of the
19 relevant product necessary to protect the public health, safety, and
20 welfare of the people of the state during the catastrophic health
21 emergency.

1 C. In making rationing or other supply and distribution
2 decisions, the public health authority may give preference to health
3 care providers, disaster response personnel, and mortuary staff.

4 D. During a state of catastrophic health emergency, the public
5 health authority may procure, store, or distribute any antitoxins,
6 serums, vaccines, immunizing agents, antibiotics, and other
7 pharmaceutical agents or medical supplies located within the state
8 as may be reasonable and necessary to respond to the catastrophic
9 health emergency, with the right to take immediate possession
10 thereof. If a catastrophic health emergency simultaneously affects
11 more than one state, nothing in this section shall be construed to
12 allow the public health authority to obtain antitoxins, serums,
13 vaccines, immunizing agents, antibiotics, and other pharmaceutical
14 agents or medical supplies for the primary purpose of hoarding such
15 items or preventing fair and equitable distribution among affected
16 states.

17 SECTION 17. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6504 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 To the extent practicable consistent with the protection of
21 public health, prior to the destruction of any property under this
22 act, the public health authority shall institute appropriate civil
23 proceedings against the property to be destroyed in accordance with

1 the existing laws and rules of the courts of this state or any such
2 rules that may be developed by the courts for use during a state of
3 catastrophic health emergency. Any property acquired by the public
4 health authority through such proceedings shall, after entry of the
5 decree, be disposed of by destruction as the court may direct.

6 SECTION 18. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 6601 of Title 63, unless there
8 is created a duplication in numbering, reads as follows:

9 During a state of catastrophic health emergency, the public
10 health authority shall use every available means to prevent the
11 utilization of nuclear, biological, or chemical agents, and to
12 otherwise ensure that all cases of transmissible disease are subject
13 to proper control and treatment.

14 SECTION 19. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 6602 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 During a state of catastrophic health emergency, the public
18 health authority may perform physical examinations or tests as
19 necessary for the diagnosis or treatment of individuals.

20 1. Medical examinations or tests may be performed by any
21 qualified person authorized to do so by the public health authority.

1 2. Medical examinations or tests must not be such as are
2 reasonably likely to lead to serious harm to the affected
3 individual.

4 3. The public health authority may isolate or quarantine,
5 pursuant to Section 21 of this act, any person whose refusal of
6 medical examination or testing results in uncertainty regarding
7 whether that person has been exposed to or is infected with a
8 transmissible or possibly transmissible disease or otherwise poses a
9 danger to public health.

10 SECTION 20. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6603 of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 During a state of catastrophic health emergency, the public
14 health authority may exercise the following emergency powers over
15 persons as necessary to address the catastrophic health emergency:

16 1. To vaccinate persons as protection against infectious
17 disease and to prevent the spread of transmissible or possibly
18 transmissible disease.

19 a. Vaccination may be performed by any qualified person
20 authorized to do so by the public health authority.

21 b. A vaccine to be administered must not be such as is
22 reasonably likely to lead to serious harm to the
23 affected individual.

1 c. To prevent the spread of transmissible or possibly
2 transmissible disease, the public health authority may
3 isolate or quarantine, pursuant to Section 21 of this
4 act, persons who are unable or unwilling for reasons
5 of health, religion, or conscience to undergo
6 vaccination pursuant to this section; and

7 2. To treat persons exposed to or infected with disease.

8 a. Treatment may be administered by any qualified person
9 authorized to do so by the public health authority.

10 b. Treatment must not be such as is reasonably likely to
11 lead to avoidable harm to the affected individual.

12 c. To prevent the spread of transmissible or possibly
13 transmissible disease, the public health authority may
14 isolate or quarantine, pursuant to Section 21 of this
15 act, persons who are unable or unwilling for reasons
16 of health, religion, or conscience to undergo
17 treatment pursuant to this section.

18 SECTION 21. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 6604 of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 A. During the catastrophic health emergency, the public health
22 authority may use isolation, as that term is defined in paragraph 8
23 of Section 4 of this act, or quarantine, as that term is defined in

1 paragraph 13 of Section 4 of this act, an individual or groups of
2 individuals. This includes individuals or groups who have not been
3 vaccinated, treated, tested, or examined pursuant to Sections 20 and
4 21 of this act. The public health authority may also establish and
5 maintain places of isolation and quarantine, and set rules and make
6 orders. Failure to obey these rules, orders, or provisions shall
7 constitute a misdemeanor.

8 B. The public health authority shall adhere to the following
9 conditions and principles when isolating or quarantining individuals
10 or groups of individuals during a catastrophic health emergency:

11 1. Isolation and quarantine must be by the least restrictive
12 means necessary to prevent the spread of a transmissible or possibly
13 transmissible disease to others and may include, but are not limited
14 to, confinement to private homes or other private and public
15 premises;

16 2. Isolated individuals must be confined separately from
17 quarantined individuals;

18 3. The health status of isolated and quarantined individuals
19 must be monitored regularly to determine if they require isolation
20 or quarantine;

21 4. If a quarantined individual subsequently becomes infected or
22 is reasonably believed to have become infected with a transmissible

1 or possibly transmissible disease, that individual must promptly be
2 removed to isolation;

3 5. Isolated and quarantined individuals must be immediately
4 released when they pose no substantial risk of transmitting a
5 transmissible or possibly transmissible disease to others;

6 6. The needs of persons isolated and quarantined shall be
7 addressed in a systematic and competent fashion, including, but not
8 limited to, providing adequate food, clothing, shelter, means of
9 communication with those in isolation or quarantine and outside
10 these settings, medication, and competent medical care;

11 7. Premises used for isolation and quarantine shall be
12 maintained in a safe and hygienic manner and be designed to minimize
13 the likelihood of further transmission of infection or other harms
14 to persons isolated and quarantined; and

15 8. To the extent possible, cultural and religious beliefs
16 should be considered in addressing the needs of individuals, and
17 establishing and maintaining isolation and quarantine premises.

18 C. Persons subject to isolation or quarantine during a
19 catastrophic health emergency shall obey the rules and orders of the
20 public health authority and shall not go beyond the isolation or
21 quarantine premises. Failure to comply with this subsection shall
22 constitute a misdemeanor.

1 D. 1. During the catastrophic health emergency, the public
2 health authority may authorize physicians, health care workers, or
3 others to have access to individuals in isolation or quarantine as
4 necessary to meet the needs of isolated or quarantined individuals.

5 2. No person, other than a person authorized by the public
6 health authority, shall enter isolation or quarantine premises.
7 Failure to comply with this paragraph shall constitute a
8 misdemeanor.

9 3. Any person entering an isolation or quarantine premises with
10 or without authorization of the public health authority may be
11 isolated or quarantined pursuant to subsections A and B of this
12 section.

13 SECTION 22. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6605 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 A. During a catastrophic health emergency, the isolation and
17 quarantine without notice of an individual or groups of individuals
18 shall be undertaken in accordance with the following procedures:

19 1. The public health authority may temporarily isolate or
20 quarantine an individual or groups of individuals through a written
21 directive if delay in imposing the isolation or quarantine would
22 significantly jeopardize the ability of the public health authority

1 to prevent or limit the transmission of a transmissible or possibly
2 transmissible disease to others;

3 2. The written directive shall specify the following:

4 a. the identity of the individual(s) or groups of
5 individuals subject to isolation or quarantine,

6 b. the premises subject to isolation or quarantine,

7 c. the date and time at which isolation or quarantine
8 commences,

9 d. the suspected transmissible disease if known, and

10 e. a copy of the relevant sections of this act;

11 3. A copy of the written directive shall be given to the
12 individual to be isolated or quarantined or, if the order applies to
13 a group of individuals and it is impractical to provide individual
14 copies, it may be posted in a conspicuous place in the isolation or
15 quarantine premises; and

16 4. Within ten (10) days after issuing the written directive,
17 the public health authority shall file a petition pursuant to
18 subsection B of this section for a court order authorizing the
19 continued isolation or quarantine of the isolated or quarantined
20 individual or groups of individuals.

21 B. During a catastrophic health emergency, the isolation and
22 quarantine of an individual or groups of individuals shall be
23 undertaken in accordance with the following procedures:

1 1. The public health authority may make a written petition to
2 the trial court for an order authorizing the isolation or quarantine
3 of an individual or groups of individuals;

4 2. A petition under paragraph 1 of this subsection shall
5 specify the following:

- 6 a. the identity of the individual or groups of
- 7 individuals subject to isolation or quarantine,
- 8 b. the premises subject to isolation or quarantine,
- 9 c. the date and time at which isolation or quarantine
- 10 commences,
- 11 d. the suspected transmissible disease if known,
- 12 e. a statement of compliance with the conditions and
- 13 principles for isolation and quarantine of subsection
- 14 B of Section 21 of this act, and
- 15 f. a statement of the basis upon which isolation or
- 16 quarantine is justified in compliance with this act.

17 The petition shall be accompanied by the sworn
18 affidavit of the public health authority attesting to
19 the facts asserted in the petition, together with any
20 further information that may be relevant and material
21 to the consideration of the court;

1 3. Notice to the individuals or groups of individuals
2 identified in the petition shall be accomplished within twenty-four
3 (24) hours in accordance with the rules of civil procedure;

4 4. A hearing must be held on any petition filed pursuant to
5 this subsection within five (5) days of filing of the petition. In
6 extraordinary circumstances and for good cause shown, the public
7 health authority may apply to continue the hearing date on a
8 petition filed pursuant to this section for up to ten (10) days,
9 which continuance the court may grant giving due regard to the
10 rights of the affected individuals, the protection of the health of
11 the public, the severity of the emergency and the availability of
12 necessary witnesses and evidence;

13 5. The court shall grant the petition if, by a preponderance of
14 the evidence, isolation or quarantine is shown to be reasonably
15 necessary to prevent or limit the transmission of a transmissible or
16 possibly transmissible disease to others.

17 a. An order authorizing isolation or quarantine may do so
18 for a period not to exceed thirty (30) days.

19 b. The order shall:

20 (1) identify the isolated or quarantined individuals
21 or groups of individuals by name or shared or
22 similar characteristics or circumstances,

- 1 (2) specify factual findings warranting isolation or
2 quarantine pursuant to this act,
3 (3) include any conditions necessary to ensure that
4 isolation or quarantine is carried out within the
5 stated purposes and restrictions of this act, and
6 (4) be served on affected individuals or groups of
7 individuals in accordance with the rules of civil
8 procedure; and

9 6. Prior to the expiration of an order issued pursuant to
10 paragraph 5 of this subsection, the public health authority may move
11 to continue isolation or quarantine for additional periods not to
12 exceed thirty (30) days each. The court shall consider the motion
13 in accordance with standards set forth in paragraph 5 of this
14 subsection.

15 C. Relief from isolation and quarantine may be obtained in the
16 following manner:

17 1. An individual or group of individuals isolated or
18 quarantined pursuant to this act may apply to the trial court for an
19 order to show cause why the individual or group of individuals
20 should not be released. The court shall rule on the application to
21 show cause within forty-eight (48) hours of its filing. If the
22 court grants the application, the court shall schedule a hearing on
23 the order to show cause within twenty-four (24) hours from issuance

1 of the order to show cause. The issuance of an order to show cause
2 shall not stay or enjoin an isolation or quarantine order;

3 2. An individual or groups of individuals isolated or
4 quarantined pursuant to this act may request a hearing in the trial
5 court for remedies regarding breaches to the conditions of isolation
6 or quarantine. A request for a hearing shall not stay or enjoin an
7 isolation or quarantine order.

8 a. Upon receipt of a request under this paragraph
9 alleging extraordinary circumstances justifying the
10 immediate granting of relief, the court shall fix a
11 date for hearing on the matters alleged not more than
12 twenty-four (24) hours from receipt of the request.

13 b. Otherwise, upon receipt of a request under this
14 paragraph the court shall fix a date for hearing on
15 the matters alleged within five (5) days from receipt
16 of the request; and

17 3. In any proceedings brought for relief under this subsection,
18 in extraordinary circumstances and for good cause shown the public
19 health authority may move the court to extend the time for a
20 hearing, which extension the court may grant giving due regard to
21 the rights of the affected individuals, the protection of the health
22 of the public, the severity of the emergency and the availability of
23 necessary witnesses and evidence.

1 D. A record of the proceedings pursuant to this section shall
2 be made and retained. In the event that, given a state of
3 catastrophic health emergency, parties cannot personally appear
4 before the court, proceedings may be conducted by authorized
5 representatives and be held via any means that allows all parties to
6 fully participate.

7 E. The court shall appoint counsel and consolidate claims in
8 the following manner:

9 1. The court shall appoint counsel at state expense to
10 represent individuals or groups of individuals who are or who are
11 about to be isolated or quarantined pursuant to the provisions of
12 this act and who are not otherwise represented by counsel.
13 Appointments shall be made in accordance with the procedures to be
14 specified in the Catastrophic Health Emergency Plan and shall last
15 throughout the duration of the isolation or quarantine of the
16 individual or groups of individuals. The public health authority
17 must provide adequate means of communication between the individuals
18 or groups and their counsel; and

19 2. In any proceedings brought pursuant to this section, to
20 promote the fair and efficient operation of justice and having given
21 due regard to the rights of the affected individuals, the protection
22 of the health of the public, the severity of the emergency and the
23 availability of necessary witnesses and evidence, the court may

1 order the consolidation of individual claims into a group of claims
2 where:

- 3 a. the number of individuals involved or to be affected
4 is so large as to render individual participation
5 impractical,
- 6 b. there are questions of law or fact common to the
7 individual claims or rights to be determined,
- 8 c. the group claims or rights to be determined are
9 typical of the claims or rights of the affected
10 individuals, and
- 11 d. the entire group will be adequately represented in the
12 consolidation.

13 SECTION 23. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6606 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The public health authority may, for such period as the
17 state of catastrophic health emergency exists, collect specimens and
18 perform tests on living persons as provided in Section 19 of this
19 act and also upon deceased persons and any living or deceased
20 animal, and acquire any previously collected specimens or test
21 results that are reasonable and necessary to respond to the
22 catastrophic health emergency. All specimens shall be clearly
23 marked.

1 B. Specimen collection, handling, storage, and transport to the
2 testing site shall be performed in a manner that will reasonably
3 preclude specimen contamination or adulteration and provide for the
4 safe collection, storage, handling, and transport of the specimen.

5 C. Any person authorized to collect specimens or perform tests
6 shall use chain of custody procedures to ensure proper
7 recordkeeping, handling, labeling, and identification of specimens
8 to be tested. This requirement applies to all specimens, including
9 specimens collected using on-site testing kits.

10 D. Recognizing that, during a state of catastrophic health
11 emergency, any specimen collected or test performed may be evidence
12 in a criminal investigation, any business, facility, or agency
13 authorized to collect specimens or perform tests shall provide any
14 support as is reasonable and necessary to aid in a relevant criminal
15 investigation.

16 SECTION 24. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6607 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Access to protected health information of persons who have
20 participated in medical testing, treatment, vaccination, isolation,
21 or quarantine programs or efforts by the public health authority
22 during a catastrophic health emergency shall be limited to those

1 persons having a legitimate need to acquire or use the information
2 to:

3 1. Provide treatment to the individual who is the subject of
4 the health information;

5 2. Conduct epidemiological research; or

6 3. Investigate the causes of transmission.

7 B. Protected health information held by the public health
8 authority during a catastrophic health emergency shall not be
9 disclosed to others without individual, written, specific informed
10 consent, except for disclosures made:

11 1. Directly to the individual;

12 2. To the immediate family members or personal representative
13 of the individual;

14 3. To appropriate federal agencies or authorities pursuant to
15 federal law;

16 4. Pursuant to a court order to avert a clear danger to an
17 individual or the public health; or

18 5. To identify a deceased individual or determine the manner or
19 cause of death.

20 SECTION 25. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6608 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

1 The public health authority may exercise, for the period the
2 state of catastrophic health emergency exists, the following
3 emergency powers regarding licensing and appointment of health
4 personnel:

5 1. To require in-state health care providers to assist in the
6 performance of vaccination, treatment, examination, or testing of
7 any individual as a condition of licensure, authorization, or the
8 ability to continue to function as a health care provider in this
9 state;

10 2. To appoint and prescribe the duties of such out-of-state
11 emergency health care providers as may be reasonable and necessary
12 to respond to the catastrophic health emergency.

13 a. The appointment of out-of-state emergency health care
14 providers may be for a limited or unlimited time, but
15 shall not exceed the termination of the declaration of
16 a state of catastrophic health emergency. The public
17 health authority may terminate the out-of-state
18 appointments at any time or for any reason provided
19 that any such termination will not jeopardize the
20 health, safety, and welfare of the people of this
21 state.

22 b. The public health authority may waive any or all
23 licensing requirements, permits, or fees required by

1 the state and applicable orders or rules for health
2 care providers from other jurisdictions to practice in
3 this state.

4 c. Any out-of-state emergency health care provider
5 appointed pursuant to this section shall not be held
6 liable for any civil damages as a result of medical
7 care or treatment related to the response to the
8 catastrophic health emergency unless such damages
9 result from providing, or failing to provide, medical
10 care or treatment under circumstances demonstrating a
11 reckless disregard for the consequences so as to
12 affect the life or health of the patient; and

13 3. To authorize the medical examiner or coroner to appoint and
14 prescribe the duties of emergency assistant medical examiners or
15 coroners as may be required for the proper performance of the duties
16 of the office.

17 a. The appointment of emergency assistant medical
18 examiners or coroners may be for a limited or
19 unlimited time, but shall not exceed the termination
20 of the declaration of a state of catastrophic health
21 emergency. The medical examiner or coroner may
22 terminate such emergency appointments at any time or
23 for any reason, provided that any such termination

1 will not impede the performance of the duties of the
2 office.

3 b. The medical examiner or coroner may waive licensing
4 requirements, permits, or fees required by the state
5 code and applicable orders or rules for the
6 performance of these duties.

7 c. Any emergency assistant medical examiner or coroner
8 appointed pursuant to this section and acting without
9 malice and within the scope of the prescribed duties
10 shall be immune from civil liability in the
11 performance of such duties.

12 SECTION 26. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 6701 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The public health authority shall inform the people of the
16 state when a state of catastrophic health emergency has been
17 declared or terminated, how to protect themselves during a state of
18 catastrophic health emergency, and what actions are being taken to
19 control the catastrophic health emergency.

20 B. The public health authority shall provide information by all
21 available and reasonable means calculated to bring the information
22 promptly to the attention of the general public.

1 C. If the public health authority has reason to believe there
2 are large numbers of people of the state who lack sufficient skills
3 in English to understand the information, the public health
4 authority shall make reasonable efforts to provide the information
5 in the primary languages of those people as well as in English.

6 D. The provision of information shall be made in a manner
7 accessible to individuals with disabilities.

8 SECTION 27. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 6702 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 During and after the declaration of a state of catastrophic
12 health emergency, the public health authority shall provide
13 information about and referrals to mental health support personnel
14 to address psychological responses to the catastrophic health
15 emergency.

16 SECTION 28. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6801 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 The public health authority and other affected agencies are
20 authorized to promulgate and implement rules as are reasonable and
21 necessary to implement and effectuate the provisions of this act.
22 The public health authority and other affected agencies shall have
23 the power to enforce the provisions of this act through the

1 imposition of fines and penalties, the issuance of orders, and any
2 other remedies as are provided by law, but nothing in this section
3 shall be construed to limit specific enforcement powers enumerated
4 in this act.

5 SECTION 29. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 6802 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. During a catastrophic health emergency, the Governor may
9 transfer from any fund available to the Governor in the State
10 Treasury sums of money as may be necessary during a state of
11 catastrophic health emergency.

12 B. Monies so transferred shall be repaid to the fund from which
13 they were transferred when monies become available for that purpose,
14 by legislative appropriation or otherwise.

15 C. A transfer of funds by the Governor under the provisions of
16 this section may be made only when one or more of the following
17 conditions exist:

18 1. No appropriation or other authorization is available to meet
19 the catastrophic health emergency;

20 2. An appropriation is insufficient to meet the catastrophic
21 health emergency; or

22 3. Federal monies available for such a catastrophic health
23 emergency require the use of state or other public monies.

1 D. All expenses incurred by the state during a state of
2 catastrophic health emergency shall be subject to the following
3 limitations:

4 1. No expense shall be incurred against the monies authorized
5 under this section, without the general approval of the Governor;

6 2. The aggregate amount of all expenses incurred pursuant to
7 this section shall not exceed Fifty Million Dollars (\$50,000,000.00)
8 for any fiscal year; and

9 3. Monies authorized for a state of catastrophic health
10 emergency in prior fiscal years may be used in subsequent fiscal
11 years only for the catastrophic health emergency for which they were
12 authorized. Monies authorized for a catastrophic health emergency
13 in prior fiscal years, and expended in subsequent fiscal years for
14 the catastrophic health emergency for which they were authorized,
15 apply toward the fifty-million-dollar expense limit for the fiscal
16 year in which they were authorized.

17 SECTION 30. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6803 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Neither the state, its political subdivisions, nor, except
21 in cases of gross negligence or willful misconduct, the Governor,
22 the public health authority, or any other state or local official
23 referenced in this act, shall be liable for the death of or any

1 injury to persons, or damage to property, except as provided in
2 Section 6806 of Title 63 of the Oklahoma Statutes, as a result of
3 complying with or attempting to comply with this act or any rule
4 promulgated pursuant to this act during a state of catastrophic
5 health emergency.

6 B. 1. During a state of catastrophic health emergency, any
7 person owning or controlling real estate or other premises who
8 grants a license or privilege, or otherwise permits the designation
9 or use of the whole or any part or parts of such real estate or
10 premises for the purpose of sheltering persons, together with
11 successors in interest of that person, if any, shall not be civilly
12 liable for negligently causing the death of, or injury to, any
13 person on or about such real estate or premises under that license,
14 privilege, or other permission, or for negligently causing loss of,
15 or damage to, the property of that person.

16 2. During a state of catastrophic health emergency, any person,
17 firm or corporation and employees and agents of any person, firm or
18 corporation in the performance of a contract with, and under the
19 direction of, the state or its political subdivisions under the
20 provisions of this act shall not be civilly liable for causing the
21 death of, or injury to, any person or damage to any property except
22 in the event of gross negligence or willful misconduct.

1 3. During a state of catastrophic health emergency, any person,
2 firm or corporation and employees and agents of any person, firm or
3 corporation, who render assistance or advice at the request of the
4 state or its political subdivisions under the provisions of this act
5 shall not be civilly liable for causing the death of, or injury to,
6 any person or damage to any property except in the event of gross
7 negligence or willful misconduct.

8 4. The immunities provided in this subsection shall not apply
9 to any person, firm, or corporation or employees and agents of any
10 person, firm, or corporation whose act or omission caused in whole
11 or in part the catastrophic health emergency and who would otherwise
12 be liable therefor.

13 SECTION 31. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6804 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 This act does not explicitly preempt other laws or rules that
17 preserve to a greater degree the powers of the Governor or public
18 health authority, provided such laws or rules are consistent, and do
19 not otherwise restrict or interfere, with the operation or
20 enforcement of the provisions of this act.

21 SECTION 32. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 6805 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

1 A. This act does not restrict any person from complying with
2 federal law or regulations; provided, any disclosure by a health
3 care provider or other covered entity of information or data which
4 is protected health information under the provisions of the Health
5 Insurance Portability and Accountability Act of 1996 ("HIPPA"),
6 Public Law 104-191, and which disclosure is occasioned or otherwise
7 caused by the exercise of any emergency powers pursuant to this act,
8 shall be deemed a disclosure for "Uses and Disclosures Required by
9 Law", as defined by 45 C.F.R., Section 164.512(a), and for "Uses and
10 Disclosures for Public Health Activities", as defined by 45 C.F.R.,
11 Section 164.512(b).

12 B. During a catastrophic health emergency, in the event of a
13 conflict between this act and other state or local laws or rules
14 concerning public health powers, the provisions of this act apply.

15 C. Nothing in this act shall authorize or imply the
16 predesignation of a hospital.

17 SECTION 33. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6806 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 The state shall pay just compensation to the owner of any
21 facilities or materials that are lawfully taken or appropriated by a
22 public health authority for its temporary or permanent use under

1 this act according to the procedures and standards set forth in
2 Section 34 of this act.

3 SECTION 34. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 6807 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Compensation for property shall be made only if property is
7 lawfully taken or appropriated by a public health authority for its
8 temporary or permanent use during a state of catastrophic health
9 emergency declared by the Governor pursuant to this act.

10 B. Any action against the state with regard to the payment of
11 compensation shall be brought in the courts of this state in
12 accordance with existing court laws and rules, or any rules that may
13 be developed by the courts for use during a state of catastrophic
14 health emergency.

15 C. As used in this section, "taking of property" shall include
16 without limitation services performed at the government's request,
17 loss of current earnings, impairment of future earnings and economic
18 obsolescence.

19 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
20 PUBLIC SAFETY, dated 3-17-03 - DO PASS, As Amended.