

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

I move to amend House Bill No. 3036 as follows:

1. By inserting the attached new Section 4 and renumbering the subsequent section; and
2. By amending the title to conform.

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Submitted by:

Senator Yen

Yen-DC-CA-HB3036
3/26/2018 2:15 PM

1 SECTION 4. AMENDATORY 63 O.S. 2011, Section 1-106, is

2 amended to read as follows:

3 Section 1-106.

4 §63-1-106. State Commissioner of Health - Qualifications - Powers
5 and duties.

6

7 A. The State Commissioner of Health shall serve at the
8 pleasure of the State Board of Health, and shall have skill and
9 experience in public health duties and sanitary sciences and shall
10 meet at least one of the following qualifications:

11 1. Possession of a Doctor of Medicine Degree and a license to
12 practice medicine in this state; or

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1 2. Possession of an Osteopathic Medicine Degree and a license
2 to practice medicine in this state;

3 ~~3. Possession of a Doctoral degree in Public Health or Public~~
4 ~~Health Administration; or~~

5 ~~4. Possession of a Master of Science Degree and a minimum of~~
6 ~~five (5) years of supervisory experience in the administration of~~
7 ~~health services.~~

8 B. The Commissioner shall have the following powers and
9 duties, unless otherwise directed by the State Board of Health:

10 1. Have general supervision of the health of the citizens of
11 the state; make investigations, inquiries and studies concerning
12 the causes of disease and injury, and especially of epidemics, and
13 the causes of mortality, and the effects of localities, employment,
14 conditions and circumstances on the public health; investigate
15 conditions as to health, sanitation and safety of schools, prisons,
16 public institutions, mines, public conveyances, camps, places of
17 group abode, and all buildings and places of public resort, and
18 recommend, prescribe and enforce such measures of health,
19 sanitation and safety for them as the Commissioner deems advisable;
20 take such measures as deemed necessary by the Commissioner to
21 control or suppress, or to prevent the occurrence or spread of, any
22 communicable, contagious or infectious disease, and provide for the
23 segregation and isolation of persons having or suspected of having
24 any such disease; designate places of quarantine or isolation;
25 advise state and local governments on matters pertaining to health,
26 sanitation and safety; and abate any nuisance affecting injuriously
27 the health of the public or any community. Any health information
28 or data acquired by the Commissioner from any public agency, which
29 information or data is otherwise confidential by state or federal
30 law, shall remain confidential notwithstanding the acquisition of
31 this information by the Commissioner.

32 2. Be the executive officer and supervise the activities of
33 the State Department of Health, and act for the Department in all
34 matters except as may be otherwise provided in this Code;
35 administer oaths at any hearing or investigation conducted pursuant
36 to this Code; and enforce rules and standards adopted by the State
37 Board of Health. All rules adopted by the State Board of Health
38 are subject to the terms and conditions of the Administrative
39 Procedures Act.

40 3. Appoint an Assistant State Commissioner of Health and fix
41 the qualifications, duties and compensation of the Assistant State
42 Commissioner of Health; and employ, appoint and contract with, and
43 fix the qualifications, duties and compensation of, such other
44 assistants, doctors, engineers, attorneys, sanitarians, nurses,
45 laboratory personnel, administrative, clerical and technical help,
46 investigators, aides and other personnel and help, either on a
47 full-time, part-time, fee or contractual basis, as shall be deemed
48 by the Commissioner necessary, expedient, convenient or appropriate
49 to the performance or carrying out of any of the purposes,

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objectives or provisions of this Code, or to assist the Commissioner in the performance of official duties and functions.

4. Cause investigations, inquiries and inspections to be made, and hold hearings and issue orders pursuant to the provisions of the Administrative Procedures Act, to enforce and make effective the provisions of this Code, and all rules and standards adopted by the State Board of Health pursuant to law and the Commissioner or the representative of the Commissioner shall have the right of access to any premises for such purpose at any reasonable time, upon presentation of identification.

5. Authorize persons in the State Department of Health to conduct investigations, inquiries and hearings, and to perform other acts that the Commissioner is authorized or required to conduct or perform personally.

6. Except as otherwise provided by law, all civil and criminal proceedings under this Code shall be initiated and prosecuted by the district attorney where the violation takes place.

7. Issue subpoenas for the attendance of witnesses and the production of books and records at any hearing to be conducted by the Commissioner or the State Board of Health; and if a person disobeys any such subpoena, or refuses to give evidence before, or to allow books and records to be examined by, the Commissioner or the Board after such person is directed to do so, the Commissioner may file a contempt proceeding in the district court of the county in which the premises involved are situated, or, if no premises are involved, of the county in which such person resides or has a principal place of business, and a judge of such court, after a trial de novo, may punish the offending person for contempt.

8. Unless otherwise required by the terms of a federal grant, sell, exchange or otherwise dispose of personal property that has been acquired by the State Department of Health, or any of its components, when such property becomes obsolete or is no longer needed; any money derived therefrom shall be deposited in the Public Health Special Fund.

9. Sell films, educational materials, biological products and other items produced by the State Department of Health; and all proceeds therefrom shall be deposited in the Public Health Special Fund.

10. Revoke or cancel, or suspend for any period up to one (1) year, any license or permit issued under or pursuant to this Code, or by the Commissioner, when the Commissioner determines that ground therefor as prescribed by this Code exists, or that the holder of such license or permit has violated any law, or any of the provisions of this Code, or any rules or standards of the State Board of Health filed with the Secretary of State, but the Commissioner shall first afford the holder an opportunity to show cause why the license or permit should not be revoked, canceled or suspended, notice of such opportunity to be given by certified United States Mail to the holder of the license or permit at the last-known address of such holder.

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1 11. Accept, use, disburse and administer grants, allotments,
2 gifts, devises, bequests, appropriations and other monies and
3 property offered or given to the State Department of Health, or any
4 component or agency thereof, by any agency of the federal
5 government, or any corporation or individual.

6 12. Be the official agency of the State of Oklahoma in all
7 matters relating to public health which require or authorize
8 cooperation of the State of Oklahoma with the federal government or
9 any agency thereof; coordinate the activities of the State
10 Department of Health with those of the federal government or any
11 department or agency thereof, and with other states, on matters
12 pertaining to public health, and enter into agreements for such
13 purpose, and may accept, use, disburse and administer, for the
14 office of the Commissioner or for the State Department of Health,
15 for any purpose designated and on the terms and conditions thereof,
16 grants of money, personnel and property from the federal government
17 or any department or agency thereof, or from any state or state
18 agency, or from any other source, to promote and carry on in this
19 state any program relating to the public health or the control of
20 disease, and enter into agreements for such purposes.

21 13. The State Commissioner of Health may appoint commissioned
22 peace officers, certified by the Council on Law Enforcement
23 Education and Training, to investigate violations of the Public
24 Health Code and to provide security to Department facilities.

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26 Added by Laws 1963, c. 325, art. 1, § 106, operative July 1, 1963.
27 Amended by Laws 1980, c. 159, § 17, emerg. eff. April 2, 1980; Laws
28 1986, c. 148, § 1, emerg. eff. April 29, 1986; Laws 1987, c. 118, §
29 52, operative July 1, 1987; Laws 1987, c. 225, § 42, eff. July 1,
30 1987; Laws 1991, c. 293, § 4, emerg. eff. May 30, 1991; Laws 1995,
31 c. 230, § 20, eff. July 1, 1995; Laws 1997, c. 238, § 3, eff. Nov.
32 1, 1997; Laws 2004, c. 456, § 1, eff. Nov. 1, 2004.
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