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February 23, 2017

AS AMENDED

SENATE BILL NO. 158

By: Shaw

[disclosure of firearms - terms - guidelines -
exclusions - penalties - codification - effective
date]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-124 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Health care practitioner" has the same meaning as those practitioners regulated pursuant to Title 59 of the Oklahoma statutes; and

2. "Patient" means a person under the care of or who seeks professional services from a health care practitioner.

B. Except as provided in subsection D of this section, a health care practitioner may not refuse to treat or to accept a referral for treatment of a patient based on:

1 1. The lawful ownership, possession, handling, storage,
2 maintenance or other legal conduct involving firearms or ammunition
3 by the patient or a member of the patient's household; or

4 2. The patient, and if the patient is a minor, the patient's
5 parents' or guardians' refusal to disclose such information.

6 C. Except as provided in subsection D of this section, a health
7 care practitioner who questions a patient, and if the patient is a
8 minor, who questions the patient's parent or guardian about the
9 ownership, possession, handling, storage, maintenance or other
10 conduct involving firearms or ammunition by the patient or a member
11 of the patient's household shall first inform the patient, parent or
12 guardian that they will be asked about firearms, about the purpose
13 of such question and that failure to answer the question will not
14 result in refusal or termination of treatment.

15 D. The requirements of subsections B and C of this section
16 shall not apply if:

17 1. The health care practitioner reasonably believes the patient
18 is in immediate possession or control of a firearm or ammunition and
19 poses an imminent threat to the patient's self or another with such
20 firearm or ammunition;

21 2. The patient has brought a firearm or ammunition into an area
22 where such firearm or ammunition is prohibited;

1 3. The patient, and if the patient is a minor, the patient's
2 parent or guardian volunteers information about a firearm or
3 ammunition without being asked about it; or

4 4. The health care practitioner reasonably and in good faith
5 believes that disclosure of the requested information is necessary
6 to diagnose or treat a specific illness or injury, but this
7 exception shall not apply to a generalized belief that firearms are
8 harmful to health or safety.

9 E. 1. The agency for Health Care Administration of this state
10 may impose an administrative fine upon a health care practitioner
11 who violates any provision of subsection C or D of this section.
12 The fine shall not exceed Two Hundred and Fifty Dollars (\$250.00)
13 for non-willful violations and the fine shall not exceed Five
14 Hundred Dollars (\$500.00) for intentional and willful violations.
15 Each intentional and willful violation constitutes a separate
16 violation and is subject to a separate fine.

17 2. A violation of any provision of subsection C or D of this
18 section shall also subject the health care practitioner to
19 appropriate discipline under their license authority.

20 SECTION 2. This act shall become effective November 1, 2017.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
22 February 23, 2017 - DO PASS AS AMENDED
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