

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 4068

6 By: McCall

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health; amending 63 O.S.
9 2011, Section 1-106, which relates to the State
10 Commissioner of Health; eliminating qualification
11 requirements; eliminating authority of the State
12 Board of Health to modify powers and duties of the
13 Commissioner; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-106, is
16 amended to read as follows:

17 Section 1-106. ~~A. The State Commissioner of Health shall serve~~
18 ~~at the pleasure of the State Board of Health, and shall have skill~~
19 ~~and experience in public health duties and sanitary sciences and~~
20 ~~shall meet at least one of the following qualifications:~~

21 1. ~~Possession of a Doctor of Medicine Degree and a license to~~
22 ~~practice medicine in this state;~~

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

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

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

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

9 1. Have general supervision of the health of the citizens of
10 the state; make investigations, inquiries and studies concerning the
11 causes of disease and injury, and especially of epidemics, and the
12 causes of mortality, and the effects of localities, employment,
13 conditions and circumstances on the public health; investigate
14 conditions as to health, sanitation and safety of schools, prisons,
15 public institutions, mines, public conveyances, camps, places of
16 group abode, and all buildings and places of public resort, and
17 recommend, prescribe and enforce such measures of health, sanitation
18 and safety for them as the Commissioner deems advisable; take such
19 measures as deemed necessary by the Commissioner to control or
20 suppress, or to prevent the occurrence or spread of, any
21 communicable, contagious or infectious disease, and provide for the
22 segregation and isolation of persons having or suspected of having
23 any such disease; designate places of quarantine or isolation;
24 advise state and local governments on matters pertaining to health,

1 sanitation and safety; and abate any nuisance affecting injuriously
2 the health of the public or any community. Any health information
3 or data acquired by the Commissioner from any public agency, which
4 information or data is otherwise confidential by state or federal
5 law, shall remain confidential notwithstanding the acquisition of
6 this information by the Commissioner.

7 2. Be the executive officer and supervise the activities of the
8 State Department of Health, and act for the Department in all
9 matters except as may be otherwise provided in this Code; administer
10 oaths at any hearing or investigation conducted pursuant to this
11 Code; and enforce rules and standards adopted by the State Board of
12 Health. All rules adopted by the State Board of Health are subject
13 to the terms and conditions of the Administrative Procedures Act.

14 3. Appoint an Assistant State Commissioner of Health and fix
15 the qualifications, duties and compensation of the Assistant State
16 Commissioner of Health; and employ, appoint and contract with, and
17 fix the qualifications, duties and compensation of, such other
18 assistants, doctors, engineers, attorneys, sanitarians, nurses,
19 laboratory personnel, administrative, clerical and technical help,
20 investigators, aides and other personnel and help, either on a full-
21 time, part-time, fee or contractual basis, as shall be deemed by the
22 Commissioner necessary, expedient, convenient or appropriate to the
23 performance or carrying out of any of the purposes, objectives or
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1 provisions of this Code, or to assist the Commissioner in the
2 performance of official duties and functions.

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

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

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

18 7. Issue subpoenas for the attendance of witnesses and the
19 production of books and records at any hearing to be conducted by
20 the Commissioner or the State Board of Health; and if a person
21 disobeys any such subpoena, or refuses to give evidence before, or
22 to allow books and records to be examined by, the Commissioner or
23 the Board after such person is directed to do so, the Commissioner
24 may file a contempt proceeding in the district court of the county

1 in which the premises involved are situated, or, if no premises are
2 involved, of the county in which such person resides or has a
3 principal place of business, and a judge of such court, after a
4 trial de novo, may punish the offending person for contempt.

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

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

15 10. Revoke or cancel, or suspend for any period up to one (1)
16 year, any license or permit issued under or pursuant to this Code,
17 or by the Commissioner, when the Commissioner determines that ground
18 therefor as prescribed by this Code exists, or that the holder of
19 such license or permit has violated any law, or any of the
20 provisions of this Code, or any rules or standards of the State
21 Board of Health filed with the Secretary of State, but the
22 Commissioner shall first afford the holder an opportunity to show
23 cause why the license or permit should not be revoked, canceled or
24 suspended, notice of such opportunity to be given by certified

1 United States Mail to the holder of the license or permit at the
2 last-known address of such holder.

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

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

23 13. The State Commissioner of Health may appoint commissioned
24 peace officers, certified by the Council on Law Enforcement

1 Education and Training, to investigate violations of the Public
2 Health Code and to provide security to Department facilities.

3 SECTION 2. This act shall become effective November 1, 2020.

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