

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 709 By: Rosino of the Senate  
3 and  
4 Roe of the House  
5  
6

7 An Act relating to the State Commissioner of Health;  
8 amending 63 O.S. 2021, Section 1-106, which relates  
9 to qualifications; exempting Commissioner from  
certain qualifications under certain conditions; and  
updating statutory language.

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11 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
12 and insert:

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15 "An Act relating to the State Commissioner of Health;  
16 amending 63 O.S. 2021, Section 1-106, which relates  
17 to qualifications; exempting Commissioner from  
18 certain qualifications under certain conditions;  
19 updating statutory language; directing the State  
Commissioner of Health to appoint a Chief Medical  
Officer; creating the position of Chief Medical  
Officer; providing qualifications; authorizing  
maintenance of clinical practice; establishing  
duties of position; providing for codification; and  
declaring an emergency.

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

23 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-106, is  
24 amended to read as follows:

1       Section 1-106. A. The State Commissioner of Health shall serve  
2 at the pleasure of the ~~State Board of Health~~ Governor, and shall  
3 have skill and experience in public health duties and sanitary  
4 sciences and shall meet at least one of the following  
5 qualifications:

6       1. Possession of a Doctor of Medicine Degree and a license to  
7 practice medicine in this state;

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

10       3. Possession of a Doctoral degree in Public Health or Public  
11 Health Administration; or

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

15       B. The Commissioner shall be exempt from all qualifications  
16 enumerated in subsection A of this section if the Commissioner  
17 possesses at least a master's degree and has experience in  
18 management of state agencies or large projects.

19       C. The Commissioner shall have the following powers and duties,  
20 unless otherwise directed by the ~~State Board of Health~~ Governor:

21       1. Have general supervision of the health of the citizens of  
22 the state; make investigations, inquiries and studies concerning the  
23 causes of disease and injury, and especially of epidemics, and the  
24 causes of mortality, and the effects of localities, employment,

1 conditions and circumstances on the public health; investigate  
2 conditions as to health, sanitation and safety of schools, prisons,  
3 public institutions, mines, public conveyances, camps, places of  
4 group abode, and all buildings and places of public resort, and  
5 recommend, prescribe and enforce such measures of health, sanitation  
6 and safety for them as the Commissioner deems advisable; take such  
7 measures as deemed necessary by the Commissioner to control or  
8 suppress, or to prevent the occurrence or spread of, any  
9 communicable, contagious or infectious disease, and provide for the  
10 segregation and isolation of persons having or suspected of having  
11 any such disease; designate places of quarantine or isolation;  
12 advise state and local governments on matters pertaining to health,  
13 sanitation and safety; and abate any nuisance affecting injuriously  
14 the health of the public or any community. Any health information  
15 or data acquired by the Commissioner from any public agency, which  
16 information or data is otherwise confidential by state or federal  
17 law, shall remain confidential notwithstanding the acquisition of  
18 this information by the Commissioner.

19 2. Be the executive officer and supervise the activities of the  
20 State Department of Health, and act for the Department in all  
21 matters except as may be otherwise provided in this Code; administer  
22 oaths at any hearing or investigation conducted pursuant to this  
23 Code; and enforce rules and standards adopted by the ~~State Board of~~  
24 ~~Health~~ Commissioner. All rules adopted by the ~~State Board of Health~~

1 Commissioner are subject to the terms and conditions of the  
2 Administrative Procedures Act.

3 3. Appoint an Assistant State Commissioner of Health and fix  
4 the qualifications, duties and compensation of the Assistant State  
5 Commissioner of Health; and employ, appoint and contract with, and  
6 fix the qualifications, duties and compensation of, such other  
7 assistants, doctors, engineers, attorneys, sanitarians, nurses,  
8 laboratory personnel, administrative, clerical and technical help,  
9 investigators, aides and other personnel and help, either on a full-  
10 time, part-time, fee or contractual basis, as shall be deemed by the  
11 Commissioner necessary, expedient, convenient or appropriate to the  
12 performance or carrying out of any of the purposes, objectives or  
13 provisions of this Code, or to assist the Commissioner in the  
14 performance of official duties and functions.

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

23 5. Authorize persons in the State Department of Health to  
24 conduct investigations, inquiries and hearings, and to perform other

1 acts that the Commissioner is authorized or required to conduct or  
2 perform personally.

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

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

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

23 9. Sell films, educational materials, biological products and  
24 other items produced by the State Department of Health; and all

1 proceeds therefrom shall be deposited in the Public Health Special  
2 Fund.

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

15 11. Accept, use, disburse and administer grants, allotments,  
16 gifts, devises, bequests, appropriations and other monies and  
17 property offered or given to the State Department of Health, or any  
18 component or agency thereof, by any agency of the federal  
19 government, or any corporation or individual.

20 12. Be the official agency of the State of Oklahoma in all  
21 matters relating to public health which require or authorize  
22 cooperation of the State of Oklahoma with the federal government or  
23 any agency thereof; coordinate the activities of the State  
24 Department of Health with those of the federal government or any

1 department or agency thereof, and with other states, on matters  
2 pertaining to public health, and enter into agreements for such  
3 purpose, and may accept, use, disburse and administer, for the  
4 office of the Commissioner or for the State Department of Health,  
5 for any purpose designated and on the terms and conditions thereof,  
6 grants of money, personnel and property from the federal government  
7 or any department or agency thereof, or from any state or state  
8 agency, or from any other source, to promote and carry on in this  
9 state any program relating to the public health or the control of  
10 disease, and enter into agreements for such purposes.

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

15 14. Pursuant to Section 2 of this act, the State Commissioner  
16 of Health shall appoint a Chief Medical Officer who reports directly  
17 to the State Commissioner of Health.

18 SECTION 2. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-106.4 of Title 63, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. The Chief Medical Officer shall serve at the discretion and  
22 pleasure of the State Commissioner of Health.

23 B. The Chief Medical Officer must:

24 1. Be a resident of the State of Oklahoma; and

1        2. Be licensed and in good standing as a medical doctor or  
2 doctor of osteopathy in Oklahoma.

3        C. With the approval of the State Commissioner of Health, the  
4 Chief Medical Officer may maintain a clinical practice to retain  
5 expertise and remain current in his or her specialized field.

6        D. The Chief Medical Officer may:

7        1. Advise the Commissioner and agency staff in all matters  
8 related to public health and effective delivery of public health  
9 services;

10       2. Provide professional judgment, medical and public health  
11 guidance to the Commissioner and other department leadership to  
12 ensure that health policy and program resource allocation decisions  
13 are medically appropriate, that timely prevention actions are taken,  
14 and that policy reflects sound medical and public health principles  
15 and priorities;

16       3. Actively participate in the development of the agency  
17 strategic goals and the state public health improvement plan; and

18       4. Perform other duties as assigned by the Commissioner.

19       SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval."  
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1 Passed the House of Representatives the 20th day of April, 2022.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

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9 Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 709

By: Rosino of the Senate

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4 Roe of the House

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6 An Act relating to the State Commissioner of Health;  
7 amending 63 O.S. 2021, Section 1-106, which relates  
8 to qualifications; exempting Commissioner from  
9 certain qualifications under certain conditions; and  
10 updating statutory language.

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

12 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-106, is  
13 amended to read as follows:

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

19 1. Possession of a Doctor of Medicine Degree and a license to  
20 practice medicine in this state;

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

23 3. Possession of a Doctoral degree in Public Health or Public  
24 Health Administration; or

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

4        B. The Commissioner shall be exempt from all qualifications  
5 enumerated in subsection A of this section if the Commissioner  
6 possesses at least a master's degree and has experience in  
7 management of state agencies or large projects.

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

10        1. Have general supervision of the health of the citizens of  
11 the state; make investigations, inquiries and studies concerning the  
12 causes of disease and injury, and especially of epidemics, and the  
13 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, sanitation  
19 and safety for them as the Commissioner deems advisable; take such  
20 measures as deemed necessary by the Commissioner to control or  
21 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;

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

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

16       3. Appoint an Assistant State Commissioner of Health and fix  
17 the qualifications, duties and compensation of the Assistant State  
18 Commissioner of Health; and employ, appoint and contract with, and  
19 fix the qualifications, duties and compensation of, such other  
20 assistants, doctors, engineers, attorneys, sanitarians, nurses,  
21 laboratory personnel, administrative, clerical and technical help,  
22 investigators, aides and other personnel and help, either on a full-  
23 time, part-time, fee or contractual basis, as shall be deemed by the  
24 Commissioner necessary, expedient, convenient or appropriate to the

1 performance or carrying out of any of the purposes, objectives or  
2 provisions of this Code, or to assist the Commissioner in the  
3 performance of official duties and functions.

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

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

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

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

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

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

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

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

1 or suspended, notice of such opportunity to be given by certified  
2 United States Mail to the holder of the license or permit at the  
3 last-known address of such holder.

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

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

24

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

5        Passed the Senate the 14th day of March, 2022.

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\_\_\_\_\_  
Presiding Officer of the Senate

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9        Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
10 2022.

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Presiding Officer of the House  
of Representatives

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