

# An Act

ENROLLED SENATE  
BILL NO. 1613

By: David and Bullard of the  
Senate

and

Echols of the House

An Act relating to law enforcement mental wellness; providing for the creation and maintenance of a Mental Wellness Division; directing establishment of policies and procedures; allowing certain partnerships; providing for the Mental Wellness Division Revolving Fund; authorizing establishment of certain foundation; providing for codification; and providing an effective date.

SUBJECT: Department of Public Safety Mental Wellness Division

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 9101 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety shall establish and maintain a Mental Wellness Division to provide mental wellness services and programs to public safety personnel to promote good mental wellness. The Commissioner shall appoint the Director of the Mental Wellness Division.

B. The Director of the Mental Wellness Division shall report to the Commissioner. All current and former employees of the Mental Wellness Division shall maintain the privacy of all public safety personnel served by the Division or who participate in its programs. No privileged personal health information shall ever be shared with the Commissioner or made public without the consent of that person.

However, aggregate mental health information may be shared with the Commissioner. Aggregate mental health information may be made public by the Commissioner if, in the judgment of the Commissioner, doing so could improve public safety mental wellness policies for public safety personnel and is made public for this sole purpose. Provided, no aggregate mental health information may be shared or made public if doing so could reveal otherwise privileged personal mental health information about any specific individual. It shall be the duty of the Director of the Division to establish the necessary policies and procedures to ensure the privacy and confidentiality requirements of this section and of all other applicable health privacy laws. Any breach of the privacy provisions of this section and of any other applicable health privacy laws must be timely and thoroughly investigated and the appropriate disciplinary and corrective actions taken.

C. The Mental Wellness Division is authorized to enter into partnerships with private entities to fulfill its mandate.

D. The offices, records, communications, information technology, equipment, and any other resources of the Mental Wellness Division shall be located and maintained separately from that of the other divisions within the Department.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9102 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Public Safety on behalf of the Mental Wellness Division of the Department of Public Safety to be designated the "Mental Wellness Division Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of those monies appropriated to the fund by law or deposited in the fund as provided pursuant to the provisions of Section 3 of this act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Mental Wellness Division for the purpose of providing mental wellness services and programs to public safety personnel. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9103 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby authorized the establishment of a not-for-profit foundation to raise funds for the Mental Wellness Division Revolving Fund, created in Section 2 of this act, and the achievement of the goals of this act.

B. The foundation created pursuant to this section may receive funds from any public or private source to carry out the purposes of this act including, but not limited to, gifts or grants from any department, agency, or instrumentality of the United States or of this state for any purpose consistent with the provisions of this act.

C. Upon proper incorporation, the foundation shall secure tax-exempt status under the appropriate provision of Section 501(c) of the Internal Revenue Code, 26 U.S.C., Section 501(c).

D. Any member of the foundation who may have a financial interest in an action under consideration by the foundation shall abstain from voting on such matter.

SECTION 4. This act shall become effective in accordance with the provisions of Section 58 of Article V of the Oklahoma Constitution.

Passed the Senate the 24th day of March, 2022.

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Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2022.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_