

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   ENGROSSED SENATE  
5   BILL NO. 1613

                              By: David and Bullard of the  
                              Senate

6   and

7   Echols of the House

8  
9  
10       An Act relating to law enforcement mental wellness;  
11       providing for the creation and maintenance of a  
12       Mental Wellness Division; directing establishment of  
13       policies and procedures; allowing certain  
14       partnerships; providing for the Mental Wellness  
15       Division Revolving Fund; authorizing establishment of  
16       certain foundation; providing for codification; and  
17       providing an effective date.

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

19       SECTION 1.       NEW LAW       A new section of law to be codified  
20       in the Oklahoma Statutes as Section 9101 of Title 74, unless there  
21       is created a duplication in numbering, reads as follows:

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

1       B. The Director of the Mental Wellness Division shall report to  
2 the Commissioner. All current and former employees of the Mental  
3 Wellness Division shall maintain the privacy of all public safety  
4 personnel served by the Division or who participate in its programs.  
5 No privileged personal health information shall ever be shared with  
6 the Commissioner or made public without the consent of that person.  
7 However, aggregate mental health information may be shared with the  
8 Commissioner. Aggregate mental health information may be made  
9 public by the Commissioner if, in the judgment of the Commissioner,  
10 doing so could improve public safety mental wellness policies for  
11 public safety personnel and is made public for this sole purpose.  
12 Provided, no aggregate mental health information may be shared or  
13 made public if doing so could reveal otherwise privileged personal  
14 mental health information about any specific individual. It shall  
15 be the duty of the Director of the Division to establish the  
16 necessary policies and procedures to ensure the privacy and  
17 confidentiality requirements of this section and of all other  
18 applicable health privacy laws. Any breach of the privacy  
19 provisions of this section and of any other applicable health  
20 privacy laws must be timely and thoroughly investigated and the  
21 appropriate disciplinary and corrective actions taken.

22       C. The Mental Wellness Division is authorized to enter into  
23 partnerships with private entities to fulfill its mandate.  
24

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

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

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

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

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

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

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

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

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

20  
21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/12/2022 -  
22 DO PASS.  
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