

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 1016

By: Dahm

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6 AS INTRODUCED

7 An Act relating to the Catastrophic Health Emergency
8 Powers Act; amending 63 O.S. 2011, Section 6104,
9 which relates to definitions; adding additional
10 provision to definition; and providing an effective
11 date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 6104, is
14 amended to read as follows:

15 Section 6104. As used in the Catastrophic Health Emergency
16 Powers Act:

17 1. "Bioterrorism" means the intentional use of any
18 microorganism, virus, infectious substance, or biological product
19 that may be engineered as a result of biotechnology, or any
20 naturally occurring or bioengineered component of any such
21 microorganism, virus, infectious substance, or biological product,
22 to cause death, disease, or other biological malfunction in a human,
23 an animal, a plant, or another living organism in order to influence
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1 the conduct of government or to intimidate or coerce a civilian
2 population;

3 2. "Catastrophic health emergency" means an occurrence of
4 imminent threat of an illness or health condition that:

5 a. is believed to be caused by any of the following:

- 6 (1) a nuclear attack,
7 (2) bioterrorism,
8 (3) a chemical attack, or
9 (4) the appearance of a novel or previously
10 controlled or eradicated infectious agent or
11 biological toxin, and

12 b. poses a high probability of any of the following
13 harms:

- 14 (1) a large number of deaths in the affected
15 population,
16 (2) a large number of serious or long-term
17 disabilities in the affected population, ~~or~~
18 (3) widespread exposure to an infectious or toxic
19 agent that poses a significant risk of
20 substantial future harm to a large number of
21 people in the affected population, or
22 (4) overloading of hospitals, emergency rooms and
23 medical facilities beyond their capacity to serve
24 the affected population;

1 3. "Chain of custody" means the methodology of tracking
2 specimens for the purpose of maintaining control and accountability
3 from initial collection to final disposition of the specimens and
4 providing for accountability at each stage of collecting, handling,
5 testing, storing, and transporting the specimens and reporting test
6 results;

7 4. "Contaminated waste" means:

- 8 a. "biological waste", which includes blood and blood
9 products, excretions, exudates, secretions, suctioning
10 and other body fluids, and waste materials saturated
11 with blood or body fluids,
- 12 b. "cultures and stocks", which includes etiologic agents
13 and associated biologicals, including specimen
14 cultures and dishes and devices used to transfer,
15 inoculate, and mix cultures, wastes from production of
16 biologicals and serums, and discarded live and
17 attenuated vaccines,
- 18 c. "pathological waste", which includes biopsy materials
19 and all human tissues, anatomical parts that emanate
20 from surgery, obstetrical procedures, necropsy or
21 autopsy and laboratory procedures, and animal
22 carcasses exposed to pathogens in research and the
23 bedding and other waste from such animals, but does
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1 not include teeth or formaldehyde or other
2 preservative agents, and

3 d. "sharps", which includes needles, intravenous (IV)
4 tubing with needles attached, scalpel blades, lancets,
5 breakable glass tubes, and syringes that have been
6 removed from their original sterile containers;

7 5. "Health care facility" means any nonfederal institution,
8 building, or agency or portion thereof, whether public or private or
9 for profit or nonprofit, that is used, operated, or designed to
10 provide health services, medical treatment, or nursing,
11 rehabilitative, or preventive care to any person or persons. This
12 includes, but is not limited to: ambulatory surgical facilities,
13 hospitals, infirmaries, intermediate care facilities, kidney
14 dialysis centers, long-term care facilities, mental health centers,
15 outpatient facilities, public health centers, rehabilitation
16 facilities, residential treatments facilities, skilled nursing
17 facilities, special care facilities, medical laboratories, and adult
18 day-care centers. This also includes, but is not limited to, the
19 following related property when used for or in connection with the
20 foregoing: laboratories; research facilities; pharmacies; laundry
21 facilities; health personnel training and lodging facilities;
22 patient, guest, and health personnel food service facilities; and
23 offices and office buildings for persons engaged in health care
24 professions or services;

1 6. "Health care provider" means any person or entity who
2 provides health care services including, but not limited to,
3 physicians, pharmacists, dentists, physician assistants, nurse
4 practitioners, registered and other nurses, paramedics, emergency
5 medical or laboratory technicians, and ambulance and emergency
6 medical workers;

7 7. "Infectious disease" means a disease caused by a living
8 organism or other pathogen, including a fungus, bacillus, parasite,
9 protozoan, or virus. An infectious disease may, or may not, be
10 transmissible from person to person, animal to person, or insect to
11 person;

12 8. "Isolation" means the physical separation and confinement of
13 an individual or groups of individuals who are infected or
14 reasonably believed to be infected with a transmissible or possibly
15 transmissible disease from nonisolated individuals, to prevent or
16 limit the transmission of the disease to nonisolated individuals;

17 9. "Mental health support personnel" means, but is not limited
18 to, psychiatrists, psychologists, social workers, and volunteer
19 crisis counseling groups;

20 10. "Protected health information" means any information,
21 whether oral, written, electronic, visual, or any other form, that
22 relates to the past, present, or future physical or mental health
23 status, condition, treatment, service, products purchased, or
24 provision of care of an individual, and that reveals the identity of
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1 the individual whose health care is the subject of the information,
2 or where there is a reasonable basis to believe such information
3 could be utilized either alone or with other information that is, or
4 should reasonably be known to be, available to predictable
5 recipients of such information to reveal the identity of that
6 individual;

7 11. "Public health authority" means the Oklahoma State
8 Commissioner of Health; or local health department that acts
9 principally to protect or preserve the health of the public; or any
10 person directly authorized to act on behalf of the Oklahoma State
11 Commissioner of Health or local health department;

12 12. "Public safety authority" means the Commissioner of Public
13 Safety; or any local government agency that acts principally to
14 protect or preserve the public safety; or any person directly
15 authorized to act on behalf of the Commissioner of Public Safety or
16 local agency;

17 13. "Quarantine" means the physical separation and confinement
18 of an individual or groups of individuals, who are or may have been
19 exposed to a transmissible or possibly transmissible disease and who
20 do not show signs or symptoms of a transmissible disease, from
21 nonquarantined individuals, to prevent or limit the transmission of
22 the disease to nonquarantined individuals;

1 14. "Specimens" means, but is not limited to, blood, sputum,
2 urine, stool, other bodily fluids, wastes, tissues, and cultures
3 necessary to perform required tests;

4 15. "Tests" means, but is not limited to, any diagnostic or
5 investigative analyses necessary to prevent the spread of disease or
6 protect the health, safety, and welfare of the public;

7 16. "Transmissible disease" means an infectious disease that
8 can be transmitted from person to person; and

9 17. "Trial court" means the district court for the area in
10 which isolation or quarantine is to occur, a court designated by the
11 Public Health Emergency Plan under the Catastrophic Health Emergency
12 Powers Act, or to the district court for the area in which a
13 catastrophic health emergency has been declared.

14 SECTION 2. This act shall become effective November 1, 2021.

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