

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3192

By: Williams

AS INTRODUCED

An Act relating to vaccinations; requiring reporting; creating penalties; creating the Oklahoma State Vaccine Adverse Event Reporting System; creating the Oklahoma State Vaccine Adverse Event Reporting System hotline; requiring reporting; creating penalties; requiring written advisements; creating penalties; creating waiting period for vaccinations; requiring appointments; providing for license suspension; requiring Oklahoma Attorney General to investigate violations; requiring report to Legislature; requiring certain standards for COVID-19 testing in the workplace; prohibiting certain testing methods; prohibiting vaccination requirements; providing for codification; and providing an effective date.

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 3400 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Upon the Federal Drug Administration (FDA) issuing either Emergency Use Authorization (EUA) or Full Use Authorization (FUA) for any vaccine, the State Department of Health shall review the authorization and any relevant peer-reviewed scientific studies.

1 B. Upon completion of this review, the State Department of
2 Health shall publicly issue a complete report which contains all
3 possible adverse reactions known at the time that the particular
4 vaccine may cause.

5 C. Quarterly, the State Department of Health shall conduct a
6 review of all available data and update the published report to
7 reflect the most up-to-date information available.

8 D. Any violation of any provision of this section will result
9 in the State Department of Health receiving a ten percent (10%)
10 reduction in state funding. This reduction must be removed from
11 money appropriated internally for the Commissioner, Deputy
12 Commissioners and executive salaries not to exceed one hundred
13 percent (100%) of their annual salaries to include bonuses.

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3400.1 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The State Department of Health shall create, manage, and
18 operate the Oklahoma State Vaccine Adverse Event Reporting System.
19 This system shall be accompanied by a hotline to be utilized in
20 reporting.

21 B. This hotline shall be supported by the Oklahoma State
22 Department of Health twenty-four (24) hours a day, three hundred
23 sixty-five (365) days a year, including holidays.

1 C. All events reported to the hotline shall be entered into the
2 Oklahoma State Vaccine Adverse Event Reporting System and this
3 system shall be made public.

4 D. The State Department of Health shall create a section on its
5 official website which will link to information about the Oklahoma
6 State Vaccine Adverse Event Reporting System. The link shall be
7 displayed on the homepage of the website and shall be easily
8 accessible to the general public for use.

9 E. Events shall be documented into this system no more than
10 fifteen (15) days from the time of the report.

11 F. Any health care professional who is qualified to administer
12 vaccinations will have a duty to report any adverse events the
13 individual knows about, or reasonably should have known about, to
14 the Oklahoma State Vaccine Adverse Event Reporting System. Failure
15 to report shall be considered unprofessional conduct subject to
16 licensure discipline.

17 G. Any violation of any provision of this section will result
18 in the State Department of Health receiving a ten-percent reduction
19 in state funding. This reduction must be removed from money
20 appropriated internally for the Commissioner, Deputy Commissioners
21 and executive salaries not to exceed one hundred percent (100%) of
22 their annual salaries to include bonuses.

1 SECTION 3. NEW LAW

A new section of law to be codified

2 in the Oklahoma Statutes as Section 3400.2 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Utilizing the data found in this act, the State Department
5 of Health shall create a written advisement containing the adverse
6 reactions and benefits of any vaccination which will be administered
7 by a qualified health care professional in Oklahoma.

8 B. The Oklahoma State Vaccine Adverse Event Reporting System
9 hotline shall be listed on this advisement in a conspicuous manner.

10 C. The State Department of Health shall provide these written
11 advisements to every health care facility, vaccination facility, and
12 pharmacy within the State of Oklahoma to be dispensed to patients.

13 D. All qualified health care professionals who administer
14 vaccinations must provide the written advisement to a patient before
15 administering any vaccination.

16 E. Any violation of any provision of this section will result
17 in the State Department of Health receiving a ten-percent reduction
18 in state funding. This reduction must be removed from money
19 appropriated internally for the Commissioner, Deputy Commissioners
20 and executive salaries not to exceed one hundred percent (100%) of
21 their annual salaries to include bonuses.

22 SECTION 4. NEW LAW

A new section of law to be codified

23 in the Oklahoma Statutes as Section 3400.3 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Any doctor, nurse, pharmacist, or individual qualified to
2 administer vaccinations under state law must conduct the following
3 actions prior to administering a vaccination to anyone within the
4 State of Oklahoma:

5 1. The professional must provide the patient with the written
6 advisement from the State Department of Health at least twenty-four
7 (24) hours prior to the patient being administered the vaccine;

8 2. After providing the advisement but prior to the vaccination
9 being administered, the professional must conduct an appointment
10 with the patient to provide time for the patient to address
11 questions or concerns; and

12 3. Only after the advisement has been given to the patient in
13 writing, a period of twenty-four (24) hours has passed, and the
14 appointment conducted, may a health professional administer any
15 vaccine to a patient.

16 B. Any person who violates any provision of this section, upon
17 review from the Office of the Attorney General and under its
18 advisement, will lose his or her medical license, qualification, or
19 ability to administer a vaccination in the State of Oklahoma for
20 five (5) years with the ability to become licensed after that time.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3400.4 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

1 A. The Office of the Attorney General shall direct and
2 investigate alleged violations of any provision of this act.

3 B. Biannually, the Office of the Attorney General shall deliver
4 a report to members of both chambers of the Oklahoma Legislature of
5 reported violations of this act and the punitive action taken upon
6 confirmed violations.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3400.5 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

10 A. If an employer requires any vaccination as a requirement for
11 employment, such employer shall be required to offer exemptions from
12 the mandatory vaccination requirements. The exemptions shall be as
13 follows:

14 1. An individual having a bona fide, sincerely held religious
15 belief which opposes vaccination;

16 2. A certificate of a licensed physician, as defined in Section
17 725.2 of Title 59 of the Oklahoma Statutes, stating that the
18 physical condition of the individual is such that immunization would
19 endanger the life or health of the individual; or

20 3. A written statement by the individual objecting to
21 immunization,
22 whereupon the individual shall be exempt from the immunization laws
23 of an employer-mandated vaccination policy.

1 B. There shall be no justification evidence needed to be
2 granted such exemptions.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3400.6 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. No governmental entity within the state shall mandate
7 vaccinations for COVID-19 as a requirement for employment. These
8 entities include, but are not limited to, the following:

9 1. Any state entity organized within any executive department
10 or branch;

11 2. Any city or municipal entity; and

12 3. Any county governmental entity.

13 B. Any city or municipal regulation of COVID-19 vaccinations
14 shall be superseded by this act, as the area of public health is one
15 which pertains to general matters of the state and its government.

16 SECTION 8. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 901 of Title 40, unless there is
18 created a duplication in numbering, reads as follows:

19 A. Any employer who requires COVID-19 testing as a condition of
20 employment must do so only in a manner that does not invade the body
21 of the individual being tested. Acceptable manners for COVID-19
22 employer-mandated testing are as follows:

23 1. Saliva collection;

24 2. Blood sample test; and

1 3. Urine sample test.

2 B. All other employer-mandated testing methods are hereby
3 prohibited for invading an employee's bodily autonomy.

4 SECTION 9. This act shall become effective November 1, 2022.

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6 58-2-10235 KN 01/19/22