

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 658

By: Dahm of the Senate

3 and

4 West (Kevin) of the House

5

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7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.191, which relates to required
9 immunizations; requiring the State Department of
10 Education and school districts to provide certain
information to parents; updating statutory term;
providing an effective date; and declaring an
emergency.

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12 AUTHORS: Add the following House Coauthors: Stearman, Humphrey and
13 McDugle

14 AUTHOR: Add the following Senate Coauthor: Standridge

15 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
16 and replace with:

17 "An Act relating to schools; amending 70 O.S. 2011,
18 Section 1210.191, which relates to required
19 immunizations; requiring the State Department of
20 Education and school districts to provide certain
21 information to parents; updating statutory term;
22 defining terms; establishing criteria for certain
entities to implement a mask mandate; specifying
requirements for mandate; authorizing challenge to
mandate; prescribing procedures related thereto;
providing for codification; providing an effective
date; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.191, is
3 amended to read as follows:

4 Section 1210.191 A. No minor child shall be admitted to any
5 public, private, or parochial school operating in this state unless
6 and until certification is presented to the appropriate school
7 authorities from a licensed physician, or authorized representative
8 of the State Department of Health, that such child has received or
9 is in the process of receiving, immunizations against diphtheria,
10 pertussis, tetanus, haemophilus influenzae type B (HIB), measles
11 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is
12 likely to be immune as a result of the disease.

13 B. Immunizations required, and the manner and frequency of
14 their administration, as prescribed by the State ~~Board~~ Commissioner
15 of Health, shall conform to recognized standard medical practices in
16 the state. The State Department of Health shall supervise and
17 secure the enforcement of the required immunization program. The
18 State Department of Education and the governing boards of the school
19 districts of this state shall render reasonable assistance to the
20 State Department of Health in the enforcement of the provisions
21 hereof.

22 C. The ~~State Board of Health~~ Commissioner, by rule, may alter
23 the list of immunizations required after notice and hearing. Any
24 change in the list of immunizations required shall be submitted to

1 the next regular session of the Legislature and such change shall
2 remain in force and effect unless and until a concurrent resolution
3 of disapproval is passed. Hearings shall be conducted by the ~~State~~
4 ~~Board of Health~~ Commissioner, or such officer, agents or employees
5 as the ~~Board of Health~~ Commissioner may designate for that purpose.
6 The ~~State Board of Health~~ Commissioner shall give appropriate notice
7 of the proposed change in the list of immunizations required and of
8 the time and place for hearing. The change shall become effective
9 on a date fixed by the ~~State Board of Health~~ Commissioner. Any
10 change in the list of immunizations required may be amended or
11 repealed in the same manner as provided for its adoption.
12 Proceedings pursuant to this subsection shall be governed by the
13 Administrative Procedures Act.

14 D. The State Department of Education and the governing boards
15 of the school districts of this state shall provide for release to
16 the Oklahoma Health Care Authority of the immunization records of
17 school children covered under Title XIX or Title XXI of the federal
18 Social Security Act who have not received the required immunizations
19 at the appropriate time. The information received pursuant to such
20 release shall be transmitted by the Oklahoma Health Care Authority
21 to medical providers who provide services to such children pursuant
22 to Title XIX or Title XXI to assist in their efforts to increase the
23 rate of childhood immunizations pursuant to the requirements of the
24 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)

1 services provisions. The provisions of this subsection shall not be
2 construed to prohibit or affect the eligibility of any child to
3 receive benefits pursuant to Title XIX or Title XXI of the Social
4 Security Act or to require the immunization of any child if such
5 child is exempt from the immunization requirements pursuant to law.
6 The name of any child exempt from immunization pursuant to Section
7 1210.192 of this title shall not be included in the information
8 transmitted pursuant to this subsection.

9 E. The State Department of Education shall provide and ensure
10 that each school district in this state provides, on the school
11 district website and in any notice or publication provided to
12 parents regarding immunization requests, the following information
13 regarding immunization requirements for school attendance: "For
14 school enrollment, a parent or guardian shall provide one of the
15 following:

- 16 1. Current, up-to-date immunization records; or
17 2. A completed and signed exemption form."

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1210.190 of Title 70, unless
20 there is created a duplication in numbering, reads as follows:

21 A. As used in this section:

- 22 1. "Relevant study" means:
23 a. a randomized controlled study,
24 b. a peer-reviewed study, or

1 c. a study performed by one or more researchers that has
2 been published in a print or electronic research
3 journal;

4 2. "Significant adverse effects" means recurring headaches,
5 negative impact on the cardiovascular system, negative impact on the
6 cardiopulmonary system including, but not limited to, any reduction
7 in blood oxygenation or respiratory volume, significant nausea and
8 vomiting or other side effects that a reasonable physician would
9 consider significant; and

10 3. "Substantial harm" means:

- 11 a. bacterial, viral or other infection, most commonly
- 12 from device contamination,
- 13 b. reduced cardiovascular function,
- 14 c. reduced cardiopulmonary function,
- 15 d. psychological harm,
- 16 e. significant injury on learning for students, or
- 17 f. other adverse effects that a reasonable physician
- 18 would conclude pose a risk of substantial harm.

19 B. A board of education of a public school district or a
20 technology center school district may only implement a mandate to
21 wear a mask or any other medical device as provided in this
22 subsection.

23 1. A board of education of a public school district or a
24 technology center school district may only implement a mandate to

1 wear a mask or any other medical device after consultation with the
2 local county health department or city-county health department
3 within the jurisdiction of where the board is located.

4 2. The mandate shall explicitly list the purposes for the
5 mandate. If no specific purposes are listed in the mandate, the
6 mandate shall be invalidated.

7 3. The mandate shall reference the specific masks or medical
8 devices that would meet the requirements of the mandate. If no
9 specific masks or medical devices are referenced in the mandate, the
10 mandate shall be invalidated.

11 4. Any mandate to implement wearing a mask or any other medical
12 device shall be reconsidered at each regularly scheduled board
13 meeting.

14 C. The citizens within the jurisdiction of the public school
15 district or technology center school district may challenge the
16 mandate at school district meetings; provided, they present one or
17 more of the following forms of evidence for consideration:

18 1. Three or more relevant studies that show possible
19 significant adverse effects as a result of wearing a mask or medical
20 device that would be required under the mandate;

21 2. Three or more relevant studies that show any mask or medical
22 device that would be required under the mandate is found not to be
23 effective for any of the purposes provided in the mandate; or

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3. Documentation that any mask or medical device that would satisfy the mandate is shown by one or more relevant studies to pose a risk of substantial harm, if used in any manner that would satisfy the mandate, to the wearer of the mask or medical device.

SECTION 3. This act shall become effective July 1, 2021.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 19th day of April, 2021.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2021.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 658

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3 and

4 West (Kevin) of the House

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7 Section 1210.191, which relates to required
8 immunizations; requiring the State Department of
9 Education and school districts to provide certain
10 information to parents; updating statutory term;
11 providing an effective date; and declaring an
12 emergency.

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

14 SECTION 5. AMENDATORY 70 O.S. 2011, Section 1210.191, is
15 amended to read as follows:

16 Section 1210.191. A. No minor child shall be admitted to any
17 public, private, or parochial school operating in this state unless
18 and until certification is presented to the appropriate school
19 authorities from a licensed physician, or authorized representative
20 of the State Department of Health, that such child has received or
21 is in the process of receiving, immunizations against diphtheria,
22 pertussis, tetanus, haemophilus influenzae type B (HIB), measles
23 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is
24 likely to be immune as a result of the disease.

1 B. Immunizations required, and the manner and frequency of
2 their administration, as prescribed by the State ~~Board~~ Commissioner
3 of Health, shall conform to recognized standard medical practices in
4 the state. The State Department of Health shall supervise and
5 secure the enforcement of the required immunization program. The
6 State Department of Education and the governing boards of the school
7 districts of this state shall render reasonable assistance to the
8 State Department of Health in the enforcement of the provisions
9 hereof.

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11 the list of immunizations required after notice and hearing. Any
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13 the next regular session of the Legislature and such change shall
14 remain in force and effect unless and until a concurrent resolution
15 of disapproval is passed. Hearings shall be conducted by the ~~State~~
16 ~~Board of Health~~ Commissioner, or such officer, agents or employees
17 as the ~~Board of Health~~ Commissioner may designate for that purpose.
18 The ~~State Board of Health~~ Commissioner shall give appropriate notice
19 of the proposed change in the list of immunizations required and of
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23 repealed in the same manner as provided for its adoption.

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8 at the appropriate time. The information received pursuant to such
9 release shall be transmitted by the Oklahoma Health Care Authority
10 to medical providers who provide services to such children pursuant
11 to Title XIX or Title XXI to assist in their efforts to increase the
12 rate of childhood immunizations pursuant to the requirements of the
13 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)
14 services provisions. The provisions of this subsection shall not be
15 construed to prohibit or affect the eligibility of any child to
16 receive benefits pursuant to Title XIX or Title XXI of the Social
17 Security Act or to require the immunization of any child if such
18 child is exempt from the immunization requirements pursuant to law.
19 The name of any child exempt from immunization pursuant to Section
20 1210.192 of this title shall not be included in the information
21 transmitted pursuant to this subsection.

22 E. The State Department of Education shall provide and ensure
23 that each school district in this state provides, on the school
24 district website and in any notice or publication provided to

1 parents regarding immunization requests, the following information
2 regarding immunization requirements for school attendance: "For
3 school enrollment, a parent or guardian must provide one of the
4 following:

5 1. Current, up-to-date immunization records; or

6 2. A completed and signed exemption form.

7 The State Department of Health advises following the recommended
8 immunization schedule. State law allows for exemptions to the
9 immunization schedule. For more information about the immunization
10 schedule exemptions or to obtain an exemption form, please visit
11 www.ok.gov/health or call (405) 271-4073."

12 SECTION 6. This act shall become effective July 1, 2021.

13 SECTION 7. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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1 Passed the Senate the 4th day of March, 2021.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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9 Presiding Officer of the House
10 of Representatives