

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3718

6 By: Roberts (Sean)

7  
8 COMMITTEE SUBSTITUTE

9 An Act relating to law enforcement powers; amending  
10 70 O.S. 2021, Sections 1210.189 and 1210.190, which  
11 relate to certain mandates or policies; authorizing  
12 county sheriff to arrest officials for certain  
13 violations; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.189, is  
16 amended to read as follows:

17 Section 1210.189 A. A board of education of a public school  
18 district or a technology center school district, the board of  
19 regents of an institution within The Oklahoma State System of Higher  
20 Education, the governing board of a private postsecondary  
21 educational institution, the Oklahoma State Regents for Higher  
22 Education, the State Board of Education or the State Board of Career  
23 and Technology Education shall not:

1 1. Require a vaccination against Coronavirus disease 2019  
2 (COVID-19) as a condition of admittance to or attendance of the  
3 school or institution;

4 2. Require a vaccine passport as a condition of admittance to  
5 or attendance of the school or institution; or

6 3. Implement a mask mandate for students who have not been  
7 vaccinated against COVID-19.

8 B. As used in this section, "vaccine passport" means  
9 documentation that an individual has been vaccinated against COVID-  
10 19.

11 C. Nothing in this section shall be construed to apply to any  
12 public or private healthcare setting.

13 D. A sheriff of any county shall have authority to make an  
14 arrest of any person, including, but not limited to, a  
15 superintendent, principal, administrator, teacher, school nurse,  
16 board member of the education district, university staff, or other  
17 school staff for violating this section.

18 SECTION 2. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 9000 of Title 70, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. Any person, including, but not limited to, a superintendent,  
22 principal, administrator, teacher, school nurse, board member of the  
23 education district, university staff, or other school staff shall  
24 not:

1           1. Require a vaccination against COVID-19 as a condition of  
2 admittance to or attendance of a school or institution;

3           2. Require a vaccine passport as a condition of admittance to  
4 or attendance of a school or institution; or

5           3. Implement a mask mandate for students who have not been  
6 vaccinated against COVID-19.

7           B. The sheriff of a county shall have the authority to make an  
8 arrest of any person, including, but not limited to, a  
9 superintendent, principal, administrator, teacher, school nurse,  
10 board member of the education district, university staff, or other  
11 school staff for violating this section.

12           C. Any person who directly or indirectly violates any provision  
13 of this section shall be guilty of a misdemeanor punishable by a  
14 fine of Five Hundred Dollars (\$500.00) for the first offense, and a  
15 fine of Five Hundred Dollars (\$500.00) for the second offense and/or  
16 not more than ten (10) days in the local county jail.

17           D. Nothing in this section shall be construed to apply to any  
18 public or private health care setting.

19           SECTION 3.           AMENDATORY           70 O.S. 2021, Section 1210.190, is  
20 amended to read as follows:

21           Section 1210.190 A. A board of education of a public school  
22 district or a technology center school district may only implement a  
23 mandate to wear a mask or any other medical device as provided in  
24 this subsection.

1 1. A board of education of a public school district or a  
2 technology center school district may only implement a mandate to  
3 wear a mask or any other medical device after consultation with the  
4 local county health department or city-county health department  
5 within the jurisdiction of where the board is located and when the  
6 jurisdiction of where the board is located is under a current state  
7 of emergency declared by the Governor.

8 2. The mandate shall explicitly list the purposes for the  
9 mandate.

10 3. The mandate shall reference the specific masks or medical  
11 devices that would meet the requirements of the mandate.

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

15 B. A sheriff of any county shall have authority to make an  
16 arrest of any person, including, but not limited to, a  
17 superintendent, principal, administrator, teacher, school nurse,  
18 board member of the education district, university staff, or other  
19 school staff for violating this section.

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

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