

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 658

By: Dahm of the Senate

and

West (Kevin) of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2011,
11 Section 1210.191, which relates to required
12 immunizations; requiring the State Department of
13 Education and school districts to provide certain
14 information to parents; updating statutory term;
15 establishing criteria for certain entities to
16 implement a mask mandate; specifying requirements for
17 mandate; providing for codification; providing an
18 effective date; and declaring an emergency.

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

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

22 Section 1210.191 A. No minor child shall be admitted to any
23 public, private, or parochial school operating in this state unless
24 and until certification is presented to the appropriate school
authorities from a licensed physician, or authorized representative
of the State Department of Health, that such child has received or

1 is in the process of receiving, immunizations against diphtheria,
2 pertussis, tetanus, haemophilus influenzae type B (HIB), measles
3 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is
4 likely to be immune as a result of the disease.

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

14 C. The ~~State Board of Health~~ Commissioner, by rule, may alter
15 the list of immunizations required after notice and hearing. Any
16 change in the list of immunizations required shall be submitted to
17 the next regular session of the Legislature and such change shall
18 remain in force and effect unless and until a concurrent resolution
19 of disapproval is passed. Hearings shall be conducted by the ~~State~~
20 ~~Board of Health~~ Commissioner, or such officer, agents or employees
21 as the ~~Board of Health~~ Commissioner may designate for that purpose.
22 The ~~State Board of Health~~ Commissioner shall give appropriate notice
23 of the proposed change in the list of immunizations required and of
24 the time and place for hearing. The change shall become effective

1 on a date fixed by the ~~State Board of Health~~ Commissioner. Any
2 change in the list of immunizations required may be amended or
3 repealed in the same manner as provided for its adoption.

4 Proceedings pursuant to this subsection shall be governed by the
5 Administrative Procedures Act.

6 D. The State Department of Education and the governing boards
7 of the school districts of this state shall provide for release to
8 the Oklahoma Health Care Authority of the immunization records of
9 school children covered under Title XIX or Title XXI of the federal
10 Social Security Act who have not received the required immunizations
11 at the appropriate time. The information received pursuant to such
12 release shall be transmitted by the Oklahoma Health Care Authority
13 to medical providers who provide services to such children pursuant
14 to Title XIX or Title XXI to assist in their efforts to increase the
15 rate of childhood immunizations pursuant to the requirements of the
16 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)
17 services provisions. The provisions of this subsection shall not be
18 construed to prohibit or affect the eligibility of any child to
19 receive benefits pursuant to Title XIX or Title XXI of the Social
20 Security Act or to require the immunization of any child if such
21 child is exempt from the immunization requirements pursuant to law.
22 The name of any child exempt from immunization pursuant to Section
23 1210.192 of this title shall not be included in the information
24 transmitted pursuant to this subsection.

1 E. The State Department of Education shall provide and ensure
2 that each school district in this state provides, on the school
3 district website and in any notice or publication provided to
4 parents regarding immunization requests, the following information
5 regarding immunization requirements for school attendance: "For
6 school enrollment, a parent or guardian shall provide one of the
7 following:

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

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

13 A. A board of education of a public school district or a
14 technology center school district may only implement a mandate to
15 wear a mask or any other medical device as provided in this section
16 and shall provide any purpose or purposes for the mandate in the
17 text of the mandate. If no specific purposes are provided in the
18 mandate, the mandate shall be invalidated.

19 B. A board of education of a public school district or a
20 technology school district may only implement a mandate to wear a
21 mask or any other medical device after consultation with the local
22 county health department or city-county health department within
23 whose jurisdiction the board is located.

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

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

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