

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 658

By: Standridge, Bullard,
Hamilton, Quinn, Bergstrom,
Rogers, Burns, Murdock,
Jett, Newhouse, Merrick and
Pederson of the Senate

7 and

8 West (Kevin), Stearman,
9 Humphrey and McDugle of the
House

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12 CONFERENCE COMMITTEE SUBSTITUTE

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

24
21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

19 C. The ~~State Board of Health~~ Commissioner, by rule, may alter
20 the list of immunizations required after notice and hearing. Any
21 change in the list of immunizations required shall be submitted to
22 the next regular session of the Legislature and such change shall
23 remain in force and effect unless and until a concurrent resolution
24 of disapproval is passed. Hearings shall be conducted by the ~~State~~

1 ~~Board of Health Commissioner~~, or such officer, agents or employees
2 as the ~~Board of Health Commissioner~~ may designate for that purpose.
3 The ~~State Board of Health Commissioner~~ shall give appropriate notice
4 of the proposed change in the list of immunizations required and of
5 the time and place for hearing. The change shall become effective
6 on a date fixed by the ~~State Board of Health Commissioner~~. Any
7 change in the list of immunizations required may be amended or
8 repealed in the same manner as provided for its adoption.
9 Proceedings pursuant to this subsection shall be governed by the
10 Administrative Procedures Act.

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

1 Security Act or to require the immunization of any child if such
2 child is exempt from the immunization requirements pursuant to law.
3 The name of any child exempt from immunization pursuant to Section
4 1210.192 of this title shall not be included in the information
5 transmitted pursuant to this subsection.

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

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

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1210.189 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

18 A. A board of education of a public school district or a
19 technology center school district, the board of regents of an
20 institution within The Oklahoma State System of Higher Education,
21 the governing board of a private postsecondary educational
22 institution, the Oklahoma State Regents for Higher Education, the
23 State Board of Education or the State Board of Career and Technology
24 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 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1210.190 of Title 70, unless
15 there is created a duplication in numbering, reads as follows:

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

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

1 jurisdiction of where the board is located is under a current state
2 of emergency declared by the Governor.

3 2. The mandate shall explicitly list the purposes for the
4 mandate.

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

7 4. Any mandate to implement wearing a mask or any other medical
8 device shall be reconsidered at each regularly scheduled board
9 meeting.

10 SECTION 4. This act shall become effective July 1, 2021.

11 SECTION 5. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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