

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3718

By: Roberts (Sean)

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9 COMMITTEE SUBSTITUTE

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

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

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

19 Section 1210.189 A. A board of education of a public school
20 district or a technology center school district, the board of
21 regents of an institution within The Oklahoma State System of Higher
22 Education, the governing board of a private postsecondary
23 educational institution, the Oklahoma State Regents for Higher
24

1 Education, the State Board of Education or the State Board of Career
2 and Technology Education shall not:

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

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

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

10 B. As used in this section, "vaccine passport" means
11 documentation that an individual has been vaccinated against COVID-
12 19.

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

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

23 A. Any person, including, but not limited to, a superintendent,
24 principal, administrator, teacher, school nurse, board member of the

1 education district, university staff, or other school staff shall
2 not:

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

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

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

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

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

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

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

23 Section 1210.190 A. A board of education of a public school
24 district or a technology center school district may only implement a

1 mandate to wear a mask or any other medical device as provided in
2 this subsection.

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

10 2. The mandate shall explicitly list the purposes for the
11 mandate.

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

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

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

22 SECTION 4. It being immediately necessary for the preservation
23 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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4 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
5 dated 03/03/2022 - DO PASS, As Amended.

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