

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3718

By: Roberts (Sean)

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6 AS INTRODUCED

7 An Act relating to law enforcement powers; amending
8 70 O.S. 2021, Sections 1210.189 and 1210.190, which
9 relate to certain mandates or policies; authorizing
10 county sheriff to arrest federal law enforcement
11 officials in order to administer provisions of
12 statutes; and declaring an emergency.

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

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

16 Section 1210.189 A. A board of education of a public school
17 district or a technology center school district, the board of
18 regents of an institution within The Oklahoma State System of Higher
19 Education, the governing board of a private postsecondary
20 educational institution, the Oklahoma State Regents for Higher
21 Education, the State Board of Education or the State Board of Career
22 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 a federal law enforcement officer in order to allow the
15 provisions of this section to be administered.

16 SECTION 2. AMENDATORY 70 O.S. 2021, Section 1210.190, is
17 amended to read as follows:

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

22 1. A board of education of a public school district or a
23 technology center school district may only implement a mandate to
24 wear a mask or any other medical device after consultation with the

1 local county health department or city-county health department
2 within the jurisdiction of where the board is located and when the
3 jurisdiction of where the board is located is under a current state
4 of emergency declared by the Governor.

5 2. The mandate shall explicitly list the purposes for the
6 mandate.

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

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

12 B. A sheriff of any county shall have authority to make an
13 arrest of a federal law enforcement officer in order to allow the
14 provisions of this section to be administered.

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

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