



1           2. "Agency" means any board, commission, committee, department,  
2 or other instrumentality or entity designated to act in behalf of  
3 the state or a political subdivision;

4           3. "Charitable health care provider" means a person who is  
5 licensed, certified, or otherwise authorized by the laws of this  
6 state to administer health care in the ordinary course of business  
7 or the practice of a profession and who provides care to a medically  
8 indigent person, as defined in paragraph 9 of this section, with no  
9 expectation of or acceptance of compensation of any kind;

10          4. "Claim" means any written demand presented by a claimant or  
11 the claimant's authorized representative in accordance with The  
12 Governmental Tort Claims Act to recover money from the state or  
13 political subdivision as compensation for an act or omission of a  
14 political subdivision or the state or an employee;

15          5. "Claimant" means the person or the person's authorized  
16 representative who files notice of a claim in accordance with The  
17 Governmental Tort Claims Act. Only the following persons and no  
18 others may be claimants:

19           a. any person holding an interest in real or personal  
20               property which suffers a loss, provided that the claim  
21               of the person shall be aggregated with claims of all  
22               other persons holding an interest in the property and  
23               the claims of all other persons which are derivative  
24

1 of the loss, and that multiple claimants shall be  
2 considered a single claimant,

- 3 b. the individual actually involved in the accident or  
4 occurrence who suffers a loss, provided that the  
5 individual shall aggregate in the claim the losses of  
6 all other persons which are derivative of the loss, or  
7 c. in the case of death, an administrator, special  
8 administrator or a personal representative who shall  
9 aggregate in the claim all losses of all persons which  
10 are derivative of the death;

11 6. "Community health care provider" means:

- 12 a. a health care provider who volunteers services at a  
13 community health center that has been deemed by the  
14 U.S. Department of Health and Human Services as a  
15 federally qualified health center as defined by 42  
16 U.S.C., Section 1396d(1)(2)(B),  
17 b. a health provider who provides services to an  
18 organization that has been deemed a federally  
19 qualified look-alike community health center, and  
20 c. a health care provider who provides services to a  
21 community health center that has made application to  
22 the U.S. Department of Health and Human Services for  
23 approval and deeming as a federally qualified look-  
24 alike community health center in compliance with

1 federal application guidance, and has received  
2 comments from the U.S. Department of Health and Human  
3 Services as to the status of such application with the  
4 established intent of resubmitting a modified  
5 application, or, if denied, a new application, no  
6 later than six (6) months from the date of the  
7 official notification from the U.S. Department of  
8 Health and Human Services requiring resubmission of a  
9 new application;

10 7. "Employee" means any person who is authorized to act in  
11 behalf of a political subdivision or the state whether that person  
12 is acting on a permanent or temporary basis, with or without being  
13 compensated, or on a full-time or part-time basis.

14 a. Employee also includes:

- 15 (1) all elected or appointed officers, members of  
16 governing bodies and other persons designated to  
17 act for an agency or political subdivision, but  
18 the term does not mean a person or other legal  
19 entity while acting in the capacity of an  
20 independent contractor or an employee of an  
21 independent contractor,  
22 (2) from September 1, 1991, through June 30, 1996,  
23 licensed physicians, licensed osteopathic  
24 physicians, and Certified Nurse-Midwives

1 providing prenatal, delivery or infant care  
2 services to State Department of Health clients  
3 pursuant to a contract entered into with the  
4 State Department of Health in accordance with  
5 paragraph 3 of subsection C of Section 1-106 of  
6 Title 63 of the Oklahoma Statutes but only  
7 insofar as services authorized by and in  
8 conformity with the terms of the contract and the  
9 requirements of Section 1-233 of Title 63 of the  
10 Oklahoma Statutes, and

11 (3) any volunteer, full-time, or part-time  
12 firefighter when performing duties for a fire  
13 department provided for in subparagraph j of  
14 paragraph 12 of this section.

15 b. For the purposes of The Governmental Tort Claims Act,  
16 the following are employees of this state, regardless  
17 of the place in this state where duties as employees  
18 are performed:

19 (1) physicians acting in an administrative capacity,

20 (2) resident physicians and resident interns  
21 participating in a graduate medical education  
22 program of the University of Oklahoma Health  
23 Sciences Center, the Oklahoma State University  
24 College of Osteopathic Medicine, a public trust

1 created pursuant to Section 3224 of Title 63 of  
2 the Oklahoma Statutes and any sole member not-  
3 for-profit corporation of the public trust and  
4 any sole member not-for-profit subsidiary of such  
5 corporation, or the Department of Mental Health  
6 and Substance Abuse Services,

7 (3) faculty members and staff of the University of  
8 Oklahoma Health Sciences Center, the Oklahoma  
9 State University College of Osteopathic Medicine,  
10 or a public trust created pursuant to Section  
11 3224 of Title 63 of the Oklahoma Statutes and any  
12 sole member not-for-profit corporation of the  
13 public trust and any sole member not-for-profit  
14 subsidiary of such corporation, while engaged in  
15 teaching duties,

16 (4) physicians who practice medicine or act in an  
17 administrative capacity as an employee of an  
18 agency of this state,

19 (5) physicians who provide medical care to inmates  
20 pursuant to a contract with the Department of  
21 Corrections,

22 (6) any person who is licensed to practice medicine  
23 pursuant to Title 59 of the Oklahoma Statutes,  
24 who is under an administrative professional

1 services contract with the Oklahoma Health Care  
2 Authority under the auspices of the Oklahoma  
3 Health Care Authority Chief Medical Officer, and  
4 who is limited to performing administrative  
5 duties such as professional guidance for medical  
6 reviews, reimbursement rates, service  
7 utilization, health care delivery and benefit  
8 design for the Oklahoma Health Care Authority,  
9 only while acting within the scope of such  
10 contract,

11 (7) licensed medical professionals under contract  
12 with city, county, or state entities who provide  
13 medical care to inmates or detainees in the  
14 custody or control of law enforcement agencies,

15 (8) licensed mental health professionals as defined  
16 in Sections 1-103 and 5-502 of Title 43A of the  
17 Oklahoma Statutes, who are conducting initial  
18 examinations of individuals for the purpose of  
19 determining whether an individual meets the  
20 criteria for emergency detention as part of a  
21 contract with the Department of Mental Health and  
22 Substance Abuse Services, and

23 (9) licensed mental health professionals as defined  
24 in Sections 1-103 and 5-502 of Title 43A of the

1 Oklahoma Statutes, who are providing mental  
2 health or substance abuse treatment services  
3 under a professional services contract with the  
4 Department of Mental Health and Substance Abuse  
5 Services and are providing such treatment  
6 services at a state-operated facility.

7 Physician faculty members and physician staff of the  
8 University of Oklahoma Health Sciences Center, the  
9 Oklahoma State University College of Osteopathic  
10 Medicine, or a public trust created pursuant to  
11 Section 3224 of Title 63 of the Oklahoma Statutes and  
12 any sole member not-for-profit corporation of the  
13 public trust and any sole member not-for-profit  
14 subsidiary of such corporation not acting in an  
15 administrative capacity or engaged in teaching duties  
16 are not employees or agents of the state.

- 17 c. For the purposes of The Governmental Tort Claims Act,  
18 employee shall include independent contractors and  
19 employees of independent contractors while actively  
20 engaged in the transport of individuals in need of  
21 initial assessment, emergency detention, or protective  
22 custody as authorized by Section 1-110 of Title 43A of  
23 the Oklahoma Statutes.

1 d. Except as provided in subparagraph b of this  
2 paragraph, in no event shall the state be held liable  
3 for the tortious conduct of any physician, resident  
4 physician, or intern while practicing medicine or  
5 providing medical treatment to patients.

6 e. For purposes of The Governmental Tort Claims Act,  
7 members of the state military forces on state active  
8 duty orders or on Title 32 active duty orders are  
9 employees of this state, regardless of the place,  
10 within or outside this state, where their duties as  
11 employees are performed.

12 f. For the purposes of The Governmental Tort Claims Act,  
13 employee shall include students enrolled at an  
14 institution of higher education within The State  
15 System of Higher Education while the student is  
16 actively participating in institution-sponsored  
17 curricular or co-curricular activities or events under  
18 the direct supervision of a faculty or staff member  
19 when such participation is an academic requirement for  
20 a course or program the student is enrolled in;

21 8. "Loss" means death or injury to the body or rights of a  
22 person or damage to real or personal property or rights therein;

23 9. "Medically indigent" means a person requiring medically  
24 necessary hospital or other health care services for the person or

1 the dependents of the person who has no public or private third-  
2 party coverage, and whose personal resources are insufficient to  
3 provide for needed health care;

4 10. "Municipality" means any incorporated city or town, and all  
5 institutions, agencies, or instrumentalities of a municipality;

6 11. "Occurrence" means a loss arising out of an accident or  
7 event or a continuous or repeated exposure to substantially the same  
8 general harmful conditions. All losses arising out of an accident  
9 or event or a continuous or repeated exposure to substantially the  
10 same general harmful conditions shall be deemed to have arisen out  
11 of one occurrence;

12 12. "Political subdivision" means:

13 a. a municipality,

14 b. a school district, including, but not limited to, a  
15 technology center school district established pursuant  
16 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of  
17 the Oklahoma Statutes, or a public library as defined  
18 pursuant to Section 1-104 of Title 65 of the Oklahoma  
19 Statutes,

20 c. a county,

21 d. a public trust where the sole beneficiary or  
22 beneficiaries are a city, town, school district, or  
23 county. For purposes of The Governmental Tort Claims  
24 Act, a public trust shall include:

1 (1) a municipal hospital created pursuant to Sections  
2 30-101 through 30-109 of Title 11 of the Oklahoma  
3 Statutes, a county hospital created pursuant to  
4 Sections 781 through 796 of Title 19 of the  
5 Oklahoma Statutes, or is created pursuant to a  
6 joint agreement between such governing  
7 authorities, that is operated for the public  
8 benefit by a public trust created pursuant to  
9 Sections 176 through 180.4 of Title 60 of the  
10 Oklahoma Statutes and managed by a governing  
11 board appointed or elected by the municipality,  
12 county, or both, who exercises control of the  
13 hospital, subject to the approval of the  
14 governing body of the municipality, county, or  
15 both,

16 (2) a public trust created pursuant to Sections 176  
17 through 180.4 of Title 60 of the Oklahoma  
18 Statutes after January 1, 2009, the primary  
19 purpose of which is to own, manage, or operate a  
20 public acute care hospital in this state that  
21 serves as a teaching hospital for a medical  
22 residency program provided by a college of  
23 osteopathic medicine and provides care to  
24 indigent persons, and

1 (3) a corporation in which all of the capital stock  
2 is owned, or a limited liability company in which  
3 all of the member interest is owned, by a public  
4 trust,

5 e. for the purposes of The Governmental Tort Claims Act  
6 only, a housing authority created pursuant to the  
7 provisions of the Oklahoma Housing Authorities Act,

8 f. for the purposes of The Governmental Tort Claims Act  
9 only, corporations organized not for profit pursuant  
10 to the provisions of the Oklahoma General Corporation  
11 Act for the primary purpose of developing and  
12 providing rural water supply and sewage disposal  
13 facilities to serve rural residents,

14 g. for the purposes of The Governmental Tort Claims Act  
15 only, districts formed pursuant to the Rural Water,  
16 Sewer, Gas and Solid Waste Management Districts Act,

17 h. for the purposes of The Governmental Tort Claims Act  
18 only, master conservancy districts formed pursuant to  
19 the Conservancy Act of Oklahoma,

20 i. for the purposes of The Governmental Tort Claims Act  
21 only, a fire protection district created pursuant to  
22 the provisions of Section 901.1 et seq. of Title 19 of  
23 the Oklahoma Statutes,  
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- 1           j.    for the purposes of The Governmental Tort Claims Act  
2                    only, a benevolent or charitable corporate volunteer  
3                    or full-time fire department for an unincorporated  
4                    area created pursuant to the provisions of Section 592  
5                    et seq. of Title 18 of the Oklahoma Statutes,  
6            k.    for purposes of The Governmental Tort Claims Act only,  
7                    an emergency services provider rendering services  
8                    pursuant to an existing contract between the emergency  
9                    services provider and the State Department of Health.  
10                   Provided, however, that the acquisition of commercial  
11                   liability insurance covering the activities of such  
12                   emergency services provider performed within this  
13                   state shall not operate as a waiver of any of the  
14                   limitations, immunities or defenses provided for  
15                   political subdivisions pursuant to the terms of The  
16                   Governmental Tort Claims Act,  
17            l.    for purposes of The Governmental Tort Claims Act only,  
18                    a conservation district created pursuant to the  
19                    provisions of the Conservation District Act,  
20            m.    for purposes of The Governmental Tort Claims Act,  
21                    districts formed pursuant to the Oklahoma Irrigation  
22                    District Act,  
23            n.    for purposes of The Governmental Tort Claims Act only,  
24                    any community action agency established pursuant to

1 Sections 5035 through 5040.1 of Title 74 of the  
2 Oklahoma Statutes,

3 o. for purposes of The Governmental Tort Claims Act only,  
4 any organization that is designated as a youth  
5 services agency, pursuant to Section 2-7-306 of Title  
6 10A of the Oklahoma Statutes,

7 p. for purposes of The Governmental Tort Claims Act only,  
8 any judge presiding over a drug court, as defined by  
9 Section 471.1 of Title 22 of the Oklahoma Statutes,

10 q. for purposes of The Governmental Tort Claims Act only,  
11 any child-placing agency licensed by this state to  
12 place children in foster family homes,

13 r. for purposes of The Governmental Tort Claims Act only,  
14 a circuit engineering district created pursuant to  
15 Section 687.1 of Title 69 of the Oklahoma Statutes,

16 s. for purposes of The Governmental Tort Claims Act only,  
17 a substate planning district, regional council of  
18 government or other entity created pursuant to Section  
19 1001 et seq. of Title 74 of the Oklahoma Statutes, and

20 t. for purposes of The Governmental Tort Claims Act only,  
21 a regional transportation authority created pursuant  
22 to Section 1370.7 of Title 68 of the Oklahoma Statutes  
23 including its contract operator and any railroad  
24 operating in interstate commerce that sells a property

1 interest or provides services to a regional  
2 transportation authority or allows the authority to  
3 use the property or tracks of the railroad for the  
4 provision of public passenger rail service to the  
5 extent claims against the contract operator or  
6 railroad arise out of or are related to or in  
7 connection with such property interest, services or  
8 operation of the public passenger rail service.  
9 Provided, the acquisition of commercial liability  
10 insurance to cover the activities of the regional  
11 transportation authority, contract operator or  
12 railroad shall not operate as a waiver of any  
13 liabilities, immunities or defenses provided pursuant  
14 to the provisions of The Governmental Tort Claims Act,  
15 and all their institutions, instrumentalities or agencies;

16 13. "Scope of employment" means performance by an employee  
17 acting in good faith within the duties of the employee's office or  
18 employment or of tasks lawfully assigned by a competent authority  
19 including the operation or use of an agency vehicle or equipment  
20 with actual or implied consent of the supervisor of the employee,  
21 but shall not include corruption or fraud;

22 14. "State" means the State of Oklahoma or any office,  
23 department, agency, authority, commission, board, institution,  
24 hospital, college, university, public trust created pursuant to

1 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is  
2 the beneficiary, or other instrumentality thereof;

3 15. "State active duty" shall be defined in accordance with  
4 Section 801 of Title 44 of the Oklahoma Statutes;

5 16. "State military forces" shall be defined in accordance with  
6 Section 801 of Title 44 of the Oklahoma Statutes;

7 17. "Title 32 active duty" shall be defined in accordance with  
8 Section 801 of Title 44 of the Oklahoma Statutes; and

9 18. "Tort" means a legal wrong, independent of contract,  
10 involving violation of a duty imposed by general law, statute, the  
11 Oklahoma Constitution, or otherwise, resulting in a loss to any  
12 person, association or corporation as the proximate result of an act  
13 or omission of a political subdivision or the state or an employee  
14 acting within the scope of employment; provided, however, a tort  
15 shall not include a claim for inverse condemnation.

16 SECTION 2. This act shall become effective November 1, 2026.

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18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY  
19 OVERSIGHT, dated 03/03/2026 - DO PASS, As Coauthored.

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