AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: ______________________________

_________ Expense

______________________________
Reading Clerk
STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1102

By: Standridge of the Senate
and
West (Kevin) of the House

FLOOR SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 2011, Section 6102, which relates to the Catastrophic Health Emergency Powers Act; modifying legislative findings; amending 63 O.S. 2011, Section 6103, which relates to the purpose of the Catastrophic Health Emergency Powers Act; modifying purposes; amending 63 O.S. 2011, Section 6105, which relates to the Oklahoma Catastrophic Health Emergency Planning Task Force; modifying membership; amending 63 O.S. 2011, Section 6301, which relates to reports required from certain health care providers; requiring executive order to authorize reporting requirements; amending 63 O.S. 2011, Section 6302, which relates to investigations of exposed individuals; requiring executive order to authorize investigations; amending 63 O.S. 2011, Section 6401, which relates to a declaration of a state of catastrophic health emergency; requiring Governor to provide certain notification to the Speaker of the House of Representatives and the President Pro Tempore of the Senate; amending 63 O.S. 2011, Section 6402, which relates to executive order declaring a state of catastrophic health emergency; requiring statement of specific authorities requested in executive order; amending 63 O.S. 2011, Section 6403, which relates to activation of disaster response and recovery aspects of emergency plans; requiring certain meetings for duration of the emergency; amending 63 O.S. 2011, Section 6405, which relates to
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 6102, is amended to read as follows:

Section 6102. The Oklahoma Legislature finds that:

1. Guided by principles of justice and antidiscrimination, it is the duty of this state to act with fairness and tolerance towards individuals and groups during catastrophic health emergencies;

2. The right of people to civil rights, liberty, bodily integrity and privacy must be respected and consistent with maintaining and preserving the health and security of the public during a catastrophic health emergency;

3. The government must do more to protect the health, safety, and general well-being of its citizens during a catastrophic health emergency;

4. New and emerging dangers, including emergent and resurgent infectious diseases and incidents of civilian mass
casualties, pose serious and immediate threats during a catastrophic health emergency;

3. A renewed focus on the prevention, detection, management, and containment of catastrophic health emergencies is needed;

4. Catastrophic health emergency threats, including those caused by nuclear, biological or chemical events, may require the exercise of extraordinary government powers and functions;

5. This state must have the ability to respond, rapidly and effectively, to potential or actual catastrophic health emergencies;

6. The exercise of catastrophic health emergency powers must promote the common good;

7. Catastrophic emergency health emergency powers must be grounded in a thorough scientific understanding of public health threats and disease transmission;

8. Guided by principles of justice and antidiscrimination, it is the duty of this state to act with fairness and tolerance towards individuals and groups during catastrophic health emergencies;

9. The rights of people to liberty, bodily integrity, and privacy must be respected to the fullest extent possible consistent with maintaining and preserving the health and security of the public during a catastrophic health emergency;

10. This act is necessary to protect the health and safety of the citizens of this state during a catastrophic health emergency; and
11. The provisions of Sections 4 6401 through 25 6804 of this act title shall only be activated upon the occurrence of a catastrophic health emergency.

SECTION 2. AMENDATORY 63 O.S. 2011, Section 6103, is amended to read as follows:

Section 6103. The purposes of the Catastrophic Health Emergency Powers Act are:

1. To ensure the civil rights and liberties of the citizens of this state while providing for their safety;

2. To require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a catastrophic health emergency;

3. To authorize the reporting and collection of data and records, the management of state property, the protection of persons, and access to communications during a catastrophic health emergency;

4. To facilitate the early detection of a catastrophic health emergency, and allow for immediate investigation of such a catastrophic health emergency by granting access to health information of individuals under specified circumstances;

5. To grant state and local officials the authority during a catastrophic health emergency to provide care and treatment, and vaccination to persons who are ill or who have been exposed to
transmissible diseases, and to separate affected individuals from
the population at large to interrupt disease transmission;

5. To ensure during a catastrophic health emergency that the
needs of infected or exposed persons are properly addressed to the
fullest extent possible, given the primary goal of controlling
serious health threats without unduly interfering with civil rights
and liberties; and

6. To provide, during a catastrophic health emergency, state
and local officials with the ability to prevent, detect, manage, and
contain health threats without unduly interfering with civil rights
and liberties; and

8. To provide the Governor during a catastrophic health
emergency the power to grant local officials certain clearly defined
authorities.

SECTION 3. AMENDATORY   63 O.S. 2011, Section 6105, is
amended to read as follows:

Section 6105. A. There is hereby created the Oklahoma
Catastrophic Health Emergency Planning Task Force. The purpose of
the task force is to prepare a plan for responding to a catastrophic
health emergency.

B. The task force shall be comprised as follows:

1. The cabinet secretary with responsibilities for health and
human services, who shall serve as chair of the task force;

2. The State Commissioner of Health or a designee;
3. The Director of the Department of Public Safety or a designee;

4. The State Attorney General or a designee;

5. The Administrative Director of the Courts or a designee;

6. The Director of Civil Emergency Management or a designee;

7. Two members of the State Senate, two members of the majority party and one member of the minority party, to be appointed by the President Pro Tempore of the Senate;

8. Two members of the Oklahoma House of Representatives, two members of the majority party and one member of the minority party, to be appointed by the Speaker of the House of Representatives;

9. The Director of the Tulsa City-County Health Department or a designee;

10. The Director of the Oklahoma City-County Health Department or a designee;

11. The State Fire Marshal;

12. A representative of the Oklahoma State Board of Medical Licensure and Supervision to be appointed by the State Board of Medical Licensure and Supervision;

13. A representative of the State Board of Osteopathic Examiners to be appointed by the State Board of Osteopathic Examiners;
14. A representative of the Governor to be appointed by the Governor;

15. A person appointed by the Governor representing a statewide organization representing hospitals;

16. A representative of the Oklahoma Nurses Association to be appointed by the Oklahoma Nurses Association; and

17. A representative of the Oklahoma Psychological Association to be appointed by the Oklahoma Psychological Association;

18. The Director of the Department of Corrections or a designee;

19. Two members of law enforcement, who shall be a county sheriff, chief of police of a municipality or other equivalent law enforcement officer having administrative responsibilities or a designee. One member shall be appointed by the Speaker of the House of Representatives and one member shall be appointed by the President Pro Tempore of the Senate;

20. Two members from the private sector with expertise in disaster relief, one appointed by the Speaker of the House of Representatives and one appointed by the President Pro Tempore of the Senate; and

21. Four members from the private-sector business community, two appointed by the Speaker of the House of Representatives and two appointed by the President Pro Tempore of the Senate.
C. Appointees shall serve at the pleasure of the appointing authority.

D. No later than December 31, 2004, the task force shall deliver a plan for responding to a catastrophic health emergency to the Governor, the President Pro Tempore of the State Senate, and the Speaker of the Oklahoma House of Representatives. The plan shall include provisions or guidelines for the following:

1. Notification of and communication with the population during a catastrophic health emergency;

2. Central coordination of resources, manpower, and services, including coordination of responses by state, local, tribal, and federal agencies during a catastrophic health emergency;

3. The location, procurement, storage, transportation, maintenance, and distribution of essential materials including, but not limited to, medical supplies, drugs, vaccines, food, shelter, clothing, and beds during a catastrophic health emergency;

4. The role of law enforcement agencies in response to a catastrophic health emergency;

5. The method of evacuating populations and housing and feeding evacuated populations during a catastrophic health emergency;

6. The identification and training of health care providers to diagnose and treat persons with infectious disease during a catastrophic health emergency;
7. The treatment of persons who have been exposed to or who are infected with diseases or health conditions that may be the cause of a catastrophic health emergency;

8. The safe disposal of contaminated wastes and human remains during a catastrophic health emergency;

9. The safe and effective control of persons treated during a catastrophic health emergency;

10. Tracking the source and outcomes of infected persons during a catastrophic health emergency;

11. Ensuring that during a catastrophic health emergency each city and county within the state identifies the following:
   a. sites where medical supplies, food, and other essentials can be distributed to the population,
   b. sites where public health and emergency workers can be housed and fed, and
   c. routes and means of transportation of people and materials;

12. The recognition of cultural norms, values, religious principles, and traditions that may be relevant during a catastrophic health emergency; and

13. Other measures necessary to carry out the purposes of this act.
E. The task force shall distribute this plan to those who will be responsible for its implementation, other interested persons and the public and seek their review and comments.

F. The task force shall annually review its plan for responding to a catastrophic health emergency.

G. Staff assistance for the task force shall be provided upon request by the chair of the task force by the agency or agencies determined to be appropriate by the chair.

H. Members of the task force shall receive no compensation for serving on the task force, but shall receive travel reimbursement as follows:

1. Legislative members of the task force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the task force shall be reimbursed pursuant to the Oklahoma Travel Reimbursement Act by their employing or appointing agencies.

SECTION 4. AMENDATORY 63 O.S. 2011, Section 6301, is amended to read as follows:

Section 6301. A. The provisions of this section shall be contingent upon a specific executive order by the Governor activating the reporting requirements.
B. A health care provider, coroner, or medical examiner shall report all cases of persons who harbor any illness or health condition that may be potential cause of a catastrophic health emergency. Reportable illnesses and health conditions include, but are not limited to, the diseases caused by the biological agents listed in 42 C.F.R., Section 72, app. A (2000) and any illnesses or health conditions identified by the public health authority.

C. In addition to the foregoing requirements for health care providers, a pharmacist shall report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be potential causes of a catastrophic health emergency. Prescription-related events that require a report include, but are not limited to:

1. An unusual increase in the number of prescriptions or over-the-counter pharmaceuticals to treat conditions that the public health authority identifies through regulations;

2. An unusual increase in the number of prescriptions for antibiotics; and

3. Any prescription that treats a disease that is relatively uncommon or may be associated with bioterrorism.

D. The report shall be made electronically or in writing within twenty-four (24) hours to the public health authority. The report shall include as much of the following information as is available: the specific illness or health condition that is the
subject of the report; the name of the patient, date of birth, sex, race, occupation, and current home and work addresses, including city and county; the name and address of the health care provider, coroner, or medical examiner and of the reporting individual, if different; and any other information needed to locate the patient for follow-up. For cases related to animal or insect bites, the suspected locating information of the biting animal or insect, and the name and address of any known owner, shall be reported.

D. E. Any animal case of a zoonotic disease that is suspected to be a bioterrorism event or associated with an outbreak shall be reported to the State Veterinarian. Appropriate clinical specimens will be required to be rapidly submitted for laboratory confirmation. The State Veterinarian or State Veterinary Diagnostic Laboratory Director or a designee will immediately report by telephone confirmed veterinary cases of public health importance to the State Department of Health.

E. F. For the purposes of this section, “health care provider” shall include out-of-state medical laboratories, provided that the out-of-state laboratories have agreed to the reporting requirements of this state. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory is also responsible for reporting results.
F. G. The public health authority may enforce the provisions of this section in accordance with existing enforcement rules.

SECTION 5. AMENDATORY 63 O.S. 2011, Section 6302, is amended to read as follows:

Section 6302. A. The provisions of subsection B of this section shall be contingent upon a specific executive order by the Governor activating the investigatory requirements.

B. The public health authority shall ascertain the existence of cases of an illness or health condition that may be potential causes of a catastrophic health emergency; investigate all such cases for sources of infection or contamination and to ensure that they are subject to proper control measures; and define the distribution of the illness or health condition. To fulfill these duties, the public health authority shall identify exposed individuals as follows:

1. Acting on information developed in accordance with Section 6301 of this act title, or other reliable information, the public health authority shall identify all individuals thought to have been exposed to an illness or health condition that may be a potential cause of a catastrophic health emergency; and

2. The public health authority shall counsel and interview such individuals where needed to assist in the positive identification of exposed individuals and develop information relating to the source and spread of the illness or health condition. Such information
includes the name and address, including city and county, of any person from whom the illness or health condition may have been contracted and to whom the illness or health condition may have spread.

**B.** The public health authority, for examination purposes, shall close, evacuate, or decontaminate any facility or decontaminate or destroy any material when the authority reasonably suspects that such facility or material may endanger the public health.

**C.** The public health authority may enforce the provisions of this section in accordance with existing enforcement rules. An order of the public health authority given to effectuate the purposes of this section shall be enforceable immediately by the public safety authority.

**SECTION 6.** AMENDATORY 63 O.S. 2011, Section 6401, is amended to read as follows:

Section 6401. A state of catastrophic health emergency may be declared by the Governor upon the occurrence of a "catastrophic health emergency" as defined in paragraph 2 of Section 4 6104 of this title. Prior to such a declaration, the Governor shall consult with the public health authority and may consult with any additional public health or other experts as needed. The Governor shall notify the Speaker of the House of Representatives and the President Pro Tempore of the Senate of the powers being requested.
SECTION 7. AMENDATORY 63 O.S. 2011, Section 6402, is amended to read as follows:

Section 6402. A. A state of catastrophic health emergency shall be declared by an executive order that specifies:

1. The nature of the catastrophic health emergency;
2. The political subdivisions or geographic areas subject to the declaration;
3. The conditions that have brought about the catastrophic health emergency;
4. The duration of the state of the catastrophic health emergency, if less than thirty (30) days; and
5. The primary public health authority responding to the catastrophic health emergency.

B. In the event of an extension of the duration of the state of the catastrophic health emergency, the Governor shall state the specific authorities he or she is requesting in the executive order.

SECTION 8. AMENDATORY 63 O.S. 2011, Section 6403, is amended to read as follows:

Section 6403. A. The declaration of a state of catastrophic health emergency shall activate the disaster response and recovery aspects of the state, local, and inter-jurisdictional disaster emergency plans in the affected political subdivisions or geographic areas. Such declaration authorizes the deployment and use of any forces to which the plans apply and the use or distribution of any
supplies, equipment, and materials and facilities assembled, stockpiled, or available pursuant to this act.

B. During a state of catastrophic health emergency, the Governor may:

1. Suspend the provisions of any regulatory statute prescribing procedures for conducting state business, or the orders and rules of any state agency, to the extent that strict compliance with the same would prevent, hinder, or delay necessary action (including emergency purchases) by the public health authority to respond to the catastrophic health emergency, or increase the health threat to the population;

2. Utilize all available resources of the state government and its political subdivisions, as reasonably necessary, to respond to the catastrophic health emergency;

3. Transfer the direction, personnel, or functions of state departments and agencies in order to perform or facilitate response and recovery programs regarding the catastrophic health emergency;

4. Mobilize all or any part of the National Guard into service of the state. An order directing the National Guard to report for active duty shall state the purpose for which it is mobilized and the objectives to be accomplished;

5. Provide aid to and seek aid from other states during the catastrophic health emergency in accordance with any interstate emergency compact made with this state; and
6. Seek aid from the federal government for the catastrophic health emergency in accordance with federal programs or requirements.

C. The public health authority shall coordinate all matters pertaining to the catastrophic health emergency response of the state. The public health authority shall have primary jurisdiction, responsibility, and authority for:

1. Planning and executing catastrophic health emergency assessment, mitigation, preparedness response, and recovery for the state;

2. Coordinating catastrophic health emergency response between state and local authorities during a catastrophic health emergency;

3. Collaborating with relevant federal government authorities, elected officials of other states, private organizations or companies during a catastrophic health emergency;

4. Coordinating recovery operations and mitigation initiatives subsequent to catastrophic health emergencies; and

5. Organizing public information activities regarding catastrophic health emergency response operations.

D. After the declaration of a state of catastrophic health emergency, special identification for all public health personnel working during the catastrophic health emergency shall be issued as soon as possible. The identification shall indicate the authority of the bearer to exercise public health functions and emergency
powers during the state of catastrophic health emergency. Public health personnel shall wear the identification in plain view.

E. The Governor or a designee shall meet at a minimum twice per week with the House and Senate members of the Oklahoma Catastrophic Health Emergency Planning Task Force for the duration of the emergency to discuss actions that have been taken and actions that will be taken. The House and Senate task force members may report updates back to their respective chamber.

SECTION 9. AMENDATORY 63 O.S. 2011, Section 6405, is amended to read as follows:

Section 6405. A. The Governor shall terminate the declaration of a state of catastrophic health emergency by executive order upon finding that the occurrence of the condition that caused the catastrophic health emergency no longer poses a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long-term disability in the affected population, or a significant risk of substantial future harm to a large number of people in the affected population.

B. Notwithstanding any other provision of the Catastrophic Health Emergency Powers Act, the declaration of a state of catastrophic health emergency shall be terminated automatically after thirty (30) days unless renewed by the Governor under the same standards and procedures set forth in this act. Any such renewal shall also be terminated automatically after thirty (30) days unless
renewed by the Governor under the same standards and procedures set

C. If the Governor declares a catastrophic health emergency, the State Legislature shall automatically be called into Special
Session by call of the Governor at 8:00 a.m. 10:00 a.m. on the
morning of the second business day following the date of such
declaration for the purpose of concurring with or terminating the
catastrophic health emergency. The State Legislature may terminate a state of catastrophic health emergency
at any time. Thereupon, the Governor shall by appropriate action end the state of catastrophic health emergency. Such termination by
the State Legislature shall override any renewal by the Governor.

D. All orders or legislative actions terminating the
declaration of a state of catastrophic health emergency shall
indicate the nature of the emergency, the area or areas threatened,
and the conditions that make possible the termination of the
declaration.

SECTION 10. AMENDATORY 63 O.S. 2011, Section 6802, is amended to read as follows:

Section 6802. A. During a catastrophic health emergency, the Governor may transfer from any fund available to the Governor in the
State Treasury sums of money as may be necessary during a state of
catastrophic health emergency.
B. Monies so transferred shall be repaid to the fund from which they were transferred when monies become available for that purpose, by legislative appropriation or otherwise.

C. A transfer of funds by the Governor under the provisions of this section may be made only when one or more of the following conditions exist:

1. No appropriation or other authorization is available to meet the catastrophic health emergency;

2. An appropriation is insufficient to meet the catastrophic health emergency; or

3. Federal monies available for such a catastrophic health emergency require the use of state or other public monies.

D. All expenses incurred by the state during a state of catastrophic health emergency shall be subject to the following limitations:

1. No expense shall be incurred against the monies authorized under this section, without the general approval of the Governor;

2. The aggregate amount of all expenses incurred pursuant to this section shall not exceed Fifty Million Dollars ($50,000,000.00) for any fiscal year; and

3. Monies authorized for a state of catastrophic health emergency in prior fiscal years may be used in subsequent fiscal years only for the catastrophic health emergency for which they were authorized. Monies authorized for a catastrophic health emergency
in prior fiscal years, and expended in subsequent fiscal years for
the catastrophic health emergency for which they were authorized,
apply toward the fifty-million-dollar expense limit for the fiscal
year in which they were authorized.

Itemized reports detailing any use of state dollars shall be
provided every ten (10) days to the Speaker of the House of
Representatives and the President Pro Tempore of the Senate.

SECTION 11. AMENDATORY 26 O.S. 2011, Section 2-107, is
amended to read as follows:

Section 2-107. A. The Secretary of the State Election Board
shall be the administrative officer of the State Election Board and
shall have general supervisory authority over county election boards
and shall have the authority to provide administrative supervision
to any county election board, as well as the authority to stand in
the place of the secretary of the county election board for the
purpose of employing county election board personnel when a vacancy
exists in the office of the secretary of the county election board.
The Secretary shall have the authority to employ and fix the
salaries and duties of such personnel as may be necessary to perform
the duties of the State Election Board. The Secretary may
promulgate, repeal or modify such rules or regulations as the
Secretary deems necessary to facilitate and assist in achieving and
maintaining uniformity in the application, operation and
interpretation of the state and federal election laws and a maximum
degree of correctness, impartiality and efficiency in administration of the election laws; provided, however, that such rules or regulations, to be binding and effective, must have been officially adopted by the Secretary of the State Election Board; the procedure and adoption of such rules and regulations shall be subject to the provisions of the Administrative Procedures Act. The Secretary shall promote and encourage voter registration and voter participation in elections. The Secretary shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993 and under the Help America Vote Act of 2002. The Secretary shall have the authority to implement programs for confirmation of voter registration and for removal of ineligible voters in compliance with general Oklahoma election law and requirements of the National Voter Registration Act of 1993.

B. If the Catastrophic Health Emergency Powers Act has been activated pursuant to an executive order, the Secretary of the State Election Board may promulgate emergency rules, which the Secretary deems necessary to protect the public health while simultaneously maintaining the integrity of the election process. Emergency rules promulgated under this subsection shall not be subject to the provisions of the Administrative Procedures Act and shall remain effective unless disapproved by adoption of a concurrent resolution by a constitutional majority of each chamber of the Legislature.
SECTION 12. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

57-2-11762 SH 05/13/20