

THE HOUSE OF REPRESENTATIVES
Tuesday, April 1, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1918

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1918 - By:
ADELSON of the Senate and DENNEY of the House.

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-401, 1-402, 1-403, 1-409, 1-410 and 1-504, which relate to communicable diseases; modifying definitions; modifying procedures related to the examination and treatment of tuberculosis; permitting isolation in certain circumstances; modifying procedures related to quarantine and isolation; requiring certain notice; permitting certain courts to grant injunctive relief in specified circumstances; and providing an effective date.

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

1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-401, is amended to read
2 as follows:

3 Section 1-401. ~~Wherever the words "active tuberculosis" appear in this article, they~~
4 ~~shall be construed to mean that the disease is in a communicable or infectious stage as~~
5 ~~established by chest X-ray, bacteriological examination of sputum, or other diagnostic~~
6 ~~procedures approved by the State Commissioner of Health~~ As used in this article:

7 1. "Tuberculosis disease" means disease caused by Mycobacterium tuberculosis
8 complex;

1 2. “Active tuberculosis disease” means a stage of tuberculosis in which compatible
2 pathologic changes are present as demonstrated by clinical, bacteriologic, or radiographic
3 evidence, and/or other diagnostic procedures. Persons diagnosed with tuberculosis are
4 considered to have active tuberculosis disease until they have completed a full course of
5 antituberculosis treatment as prescribed or approved by the State Commissioner of
6 Health; and

7 3. “Tuberculosis infection” means a stage of tuberculosis characterized by having a
8 positive or a history of a positive response to a tuberculin skin test or other laboratory
9 test for tuberculosis infection, but not having clinical, radiographic or other evidence of
10 disease.

11 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-402, is amended to read
12 as follows:

13 Section 1-402. When any local health officer shall have reasonable grounds to
14 believe that any person has active tuberculosis ~~in an active stage or in a communicable~~
15 ~~form disease, and who~~ but will not voluntarily seek a medical examination, then it shall
16 be the duty of ~~such~~ the local health officer to order such person in writing to undergo an
17 examination by a physician ~~qualified in chest diseases, or at some state or federal~~
18 ~~sanatorium or hospital, or at some clinic, hospital or sanatorium~~ approved by the State
19 Commissioner of Health for such examinations. It shall be the duty of the suspected
20 person to ~~present himself for~~ submit to examination at such time and place as ordered by
21 the local health officer. The examination shall include an X-ray of the chest,
22 examinations of sputum, and such other forms and types of examinations as shall be

1 approved by the Commissioner. If, upon examination, it ~~shall be~~ is determined that the
2 person has active or suspected active tuberculosis ~~in an active stage or in a~~
3 ~~communicable form~~ disease, then it shall be the duty of such ~~tuberculous~~ person to
4 arrange for admission of himself as a patient in one of the state or federal sanatoria or
5 hospitals, or in some private hospital, or in a ward of a private hospital maintained and
6 operated for the treatment of tuberculosis patients; or when there is no danger to the
7 public or to other individuals as determined by the local health officer, and upon the
8 approval comply with the orders of the Commissioner, ~~he may receive treatment at home.~~

9 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-403, is amended to read
10 as follows:

11 Section 1-403. Whenever it has been determined that any person has active
12 tuberculosis ~~in an active stage or~~ disease in a communicable form, ~~and the person is not~~
13 ~~immediately admitted as a patient in any state or federal sanatorium or hospital, or in~~
14 ~~any private hospital, or ward of a private hospital maintained for the treatment of~~
15 ~~tuberculosis~~, it shall be the duty of the local health officer to instruct such person as to
16 the precautions necessary ~~to be taken~~ to protect the members of the person's household
17 or the community from becoming infected with tuberculosis communicated by such
18 person, ~~and it.~~ It shall be the duty of ~~the tuberculous~~ such person ~~to conduct himself and~~
19 to live in such a manner as not to expose members of ~~his~~ the person's family or
20 household, or any other person with whom ~~he~~ the person may be associated, to danger of
21 infection, ~~and the.~~ The local health officer shall investigate ~~from time to time~~

1 periodically for the purpose of ~~seeing~~ determining if ~~his~~ the instructions are being carried
2 out in a reasonable and acceptable manner.

3 SECTION 4. AMENDATORY 63 O.S. 2001, Section 1-409, is amended to read
4 as follows:

5 Section 1-409. The State Commissioner of Health may, on behalf of the State of
6 Oklahoma, enter into a reciprocal agreement with another state providing for care and
7 treatment, ~~in a sanatorium of one of the states,~~ of persons having active tuberculosis
8 disease who are residents of the other state, or for the transportation or return of any
9 such nonresident person from one of the states to the other state of which ~~he~~ such person
10 is a resident.

11 SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-410, is amended to read
12 as follows:

13 Section 1-410. When the State Commissioner of Health shall have reasonable
14 grounds to believe that any person has active tuberculosis ~~in an active stage or in the~~
15 ~~communicable form~~ disease, the Commissioner may require isolation, hospitalization or
16 other confinement for treatment of such person. The State Commissioner of Health is
17 hereby authorized to contract with any hospital and/or physician to provide such
18 hospitalization ~~and~~ or treatment as required and shall be exempt from the provisions of
19 the Oklahoma Central Purchasing Act in contracting for such hospitalization and
20 treatment, as specified in ~~Title 74, Section 85.4,~~ of Title 74 of the Oklahoma Statutes. If
21 any person shall be convicted for a violation of any of the provisions of ~~63 O.S. 1971,~~
22 Sections 1-402 and 1-403 of this title, then such person shall be committed by the judge

1 of the district court for isolation or confinement and treatment in such institution or
2 at such location or facility as designated by the State Commissioner of Health.

3 SECTION 6. AMENDATORY 63 O.S. 2001, Section 1-504, is amended to read
4 as follows:

5 Section 1-504. A. Whenever a local health officer determines or suspects that a
6 person has been exposed to and may be incubating a communicable disease of public
7 health concern, he the local health officer may impose a quarantine on upon such person
8 and require such person to remain out of public contact and in the place or premises
9 where such person usually stays, and notice. Notice thereof shall be given in accordance
10 with the rules and regulations of the State Board of Health; and it. It shall be unlawful
11 for such person, or any other person, to violate the terms or conditions of the quarantine.

12 B. Whenever a local health officer determines or suspects that a person has a
13 communicable disease of public health concern, the local health officer may impose
14 isolation upon such person and require such person to remain out of public contact and in
15 an adequate treatment facility or in the place or premises where such person usually
16 stays. Notice thereof shall be given in accordance with the rules and regulations of the
17 State Board of Health. It shall be unlawful for such person, or any other person, to
18 violate the terms or conditions of the isolation.

19 C. District courts shall be authorized to grant injunctive relief, including temporary
20 injunctions and temporary restraining orders, to compel compliance with a quarantine or
21 isolation order issued by a local health officer pursuant to this section.

22 SECTION 7. This act shall become effective November 1, 2008.

1 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03-31-08 - DO
2 PASS, As Amended.