

OKLAHOMA STATE SENATE  
CONFERENCE  
COMMITTEE REPORT

May 20, 2021

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB658

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

Title: Schools; requiring provision of certain information to parents; prohibiting certain entities from implementing specified requirements; establishing criteria for implementation of mask mandate. Effective date. Emergency

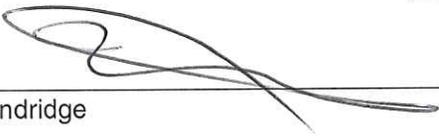
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together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

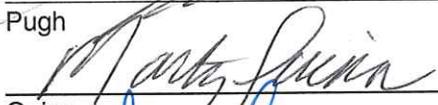
SENATE CONFEREES:

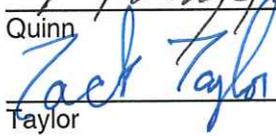
  
\_\_\_\_\_  
Standridge

\_\_\_\_\_  
Dossett (J.A.)

\_\_\_\_\_  
Hicks

  
\_\_\_\_\_  
Pugh

  
\_\_\_\_\_  
Quinn

  
\_\_\_\_\_  
Taylor

HOUSE CONFEREES:

Conference Committee on Public Health

Senate Action \_\_\_\_\_ Date \_\_\_\_\_ House Action \_\_\_\_\_ Date \_\_\_\_\_

SB658 CCR (B)  
**HOUSE CONFEREES**

Brewer, Denise

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Hasenbeck, Toni



McEntire, Marcus

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Pittman, Ajay

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Stark, Marilyn



Conley, Sherrie



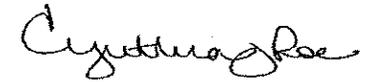
Kerbs, Dell



Newton, Carl

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Roe, Cynthia



Stearman, Wendi



1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 658

By: Standridge, Bullard and  
Hamilton of the Senate

6 and

7 West (Kevin), Stearman,  
8 Humphrey and McDugle of the  
9 House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2011,  
12 Section 1210.191, which relates to required  
13 immunizations; requiring the State Department of  
14 Education and school districts to provide certain  
15 information to parents; updating statutory term;  
16 prohibiting certain entities from implementing  
17 specified requirements; defining terms; establishing  
18 criteria for certain entities to implement a mask  
19 mandate; specifying requirements for mandate;  
20 authorizing challenge to mandate; prescribing  
21 procedures related thereto; providing for  
22 codification; providing an effective date; and  
23 declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.191, is  
amended to read as follows:

Section 1210.191. A. No minor child shall be admitted to any  
public, private, or parochial school operating in this state unless

1 and until certification is presented to the appropriate school  
2 authorities from a licensed physician, or authorized representative  
3 of the State Department of Health, that such child has received or  
4 is in the process of receiving, immunizations against diphtheria,  
5 pertussis, tetanus, haemophilus influenzae type B (HIB), measles  
6 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is  
7 likely to be immune as a result of the disease.

8 B. Immunizations required, and the manner and frequency of  
9 their administration, as prescribed by the State ~~Board~~ Commissioner  
10 of Health, shall conform to recognized standard medical practices in  
11 the state. The State Department of Health shall supervise and  
12 secure the enforcement of the required immunization program. The  
13 State Department of Education and the governing boards of the school  
14 districts of this state shall render reasonable assistance to the  
15 State Department of Health in the enforcement of the provisions  
16 hereof.

17 C. The ~~State Board of Health~~ Commissioner, by rule, may alter  
18 the list of immunizations required after notice and hearing. Any  
19 change in the list of immunizations required shall be submitted to  
20 the next regular session of the Legislature and such change shall  
21 remain in force and effect unless and until a concurrent resolution  
22 of disapproval is passed. Hearings shall be conducted by the ~~State~~  
23 ~~Board of Health~~ Commissioner, or such officer, agents or employees  
24 as the ~~Board of Health~~ Commissioner may designate for that purpose.

1 The ~~State Board of Health~~ Commissioner shall give appropriate notice  
2 of the proposed change in the list of immunizations required and of  
3 the time and place for hearing. The change shall become effective  
4 on a date fixed by the ~~State Board of Health~~ Commissioner. Any  
5 change in the list of immunizations required may be amended or  
6 repealed in the same manner as provided for its adoption.  
7 Proceedings pursuant to this subsection shall be governed by the  
8 Administrative Procedures Act.

9 D. The State Department of Education and the governing boards  
10 of the school districts of this state shall provide for release to  
11 the Oklahoma Health Care Authority of the immunization records of  
12 school children covered under Title XIX or Title XXI of the federal  
13 Social Security Act who have not received the required immunizations  
14 at the appropriate time. The information received pursuant to such  
15 release shall be transmitted by the Oklahoma Health Care Authority  
16 to medical providers who provide services to such children pursuant  
17 to Title XIX or Title XXI to assist in their efforts to increase the  
18 rate of childhood immunizations pursuant to the requirements of the  
19 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)  
20 services provisions. The provisions of this subsection shall not be  
21 construed to prohibit or affect the eligibility of any child to  
22 receive benefits pursuant to Title XIX or Title XXI of the Social  
23 Security Act or to require the immunization of any child if such  
24 child is exempt from the immunization requirements pursuant to law.

1 The name of any child exempt from immunization pursuant to Section  
2 1210.192 of this title shall not be included in the information  
3 transmitted pursuant to this subsection.

4 E. The State Department of Education shall provide and ensure  
5 that each school district in this state provides, on the school  
6 district website and in any notice or publication provided to  
7 parents regarding immunization requests, the following information  
8 regarding immunization requirements for school attendance: "For  
9 school enrollment, a parent or guardian shall provide one of the  
10 following:

- 11 1. Current, up-to-date immunization records; or
- 12 2. A completed and signed exemption form."

13 SECTION 2. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1210.189 of Title 70, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. A board of education of a public school district or a  
17 technology center school district, the board of regents of an  
18 institution within The Oklahoma State System of Higher Education,  
19 the governing board of a private postsecondary educational  
20 institution, the Oklahoma State Regents for Higher Education, the  
21 State Board of Education or the State Board of Career and Technology  
22 Education shall not:

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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 SECTION 3. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1210.190 of Title 70, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Relevant study" means:

18 a. a randomized controlled study,

19 b. a peer-reviewed study, or

20 c. a study performed by one or more researchers that has  
21 been published in a print or electronic research  
22 journal;

23 2. "Significant adverse effects" means recurring headaches,  
24 negative impact on the cardiovascular system, negative impact on the

1 cardiopulmonary system including, but not limited to, any reduction  
2 in blood oxygenation or respiratory volume, significant nausea and  
3 vomiting or other side effects that a reasonable physician would  
4 consider significant; and

5 3. "Substantial harm" means:

- 6 a. bacterial, viral or other infection, most commonly
- 7 from device contamination,
- 8 b. reduced cardiovascular function,
- 9 c. reduced cardiopulmonary function,
- 10 d. psychological harm,
- 11 e. significant injury on learning for students, or
- 12 f. other adverse effects that a reasonable physician
- 13 would conclude pose a risk of substantial harm.

14 B. A board of education of a public school district or a  
15 technology center school district may only implement a mandate to  
16 wear a mask or any other medical device as provided in this  
17 subsection.

18 1. A board of education of a public school district or a  
19 technology center school district may only implement a mandate to  
20 wear a mask or any other medical device after consultation with the  
21 local county health department or city-county health department  
22 within the jurisdiction of where the board is located.

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1        2. The mandate shall explicitly list the purposes for the  
2 mandate. If no specific purposes are listed in the mandate, the  
3 mandate shall be invalidated.

4        3. The mandate shall reference the specific masks or medical  
5 devices that would meet the requirements of the mandate. If no  
6 specific masks or medical devices are referenced in the mandate, the  
7 mandate shall be invalidated.

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

11        C. The citizens within the jurisdiction of the public school  
12 district or technology center school district may challenge the  
13 mandate at school district meetings; provided, they present one or  
14 more of the following forms of evidence for consideration:

15        1. Three or more relevant studies that show possible  
16 significant adverse effects as a result of wearing a mask or medical  
17 device that would be required under the mandate;

18        2. Three or more relevant studies that show any mask or medical  
19 device that would be required under the mandate is found not to be  
20 effective for any of the purposes provided in the mandate; or

21        3. Documentation that any mask or medical device that would  
22 satisfy the mandate is shown by one or more relevant studies to pose  
23 a risk of substantial harm, if used in any manner that would satisfy  
24 the mandate, to the wearer of the mask or medical device.

1 SECTION 4. This act shall become effective July 1, 2021.

2 SECTION 5. It being immediately necessary for the preservation  
3 of the public peace, health or safety, an emergency is hereby  
4 declared to exist, by reason whereof this act shall take effect and  
5 be in full force from and after its passage and approval.

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