

1 ENGROSSED SENATE
2 BILL NO. 1613

By: David and Bullard of the
Senate

3 and

4 Echols of the House
5

6 An Act relating to law enforcement mental wellness;
7 providing for the creation and maintenance of a
8 Mental Wellness Division; directing establishment of
9 policies and procedures; allowing certain
10 partnerships; providing for the Mental Wellness
11 Division Revolving Fund; authorizing establishment of
12 certain foundation; providing for codification; and
13 providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 9101 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Department of Public Safety shall establish and maintain
19 a Mental Wellness Division to provide mental wellness services and
20 programs to public safety personnel to promote good mental wellness.
21 The Commissioner shall appoint the Director of the Mental Wellness
22 Division.

23 B. The Director of the Mental Wellness Division shall report to
24 the Commissioner. All current and former employees of the Mental
Wellness Division shall maintain the privacy of all public safety
personnel served by the Division or who participate in its programs.

1 No privileged personal health information shall ever be shared with
2 the Commissioner or made public without the consent of that person.
3 However, aggregate mental health information may be shared with the
4 Commissioner. Aggregate mental health information may be made
5 public by the Commissioner if, in the judgment of the Commissioner,
6 doing so could improve public safety mental wellness policies for
7 public safety personnel and is made public for this sole purpose.
8 Provided, no aggregate mental health information may be shared or
9 made public if doing so could reveal otherwise privileged personal
10 mental health information about any specific individual. It shall
11 be the duty of the Director of the Division to establish the
12 necessary policies and procedures to ensure the privacy and
13 confidentiality requirements of this section and of all other
14 applicable health privacy laws. Any breach of the privacy
15 provisions of this section and of any other applicable health
16 privacy laws must be timely and thoroughly investigated and the
17 appropriate disciplinary and corrective actions taken.

18 C. The Mental Wellness Division is authorized to enter into
19 partnerships with private entities to fulfill its mandate.

20 D. The offices, records, communications, information
21 technology, equipment, and any other resources of the Mental
22 Wellness Division shall be located and maintained separately from
23 that of the other divisions within the Department.
24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9102 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Department of Public Safety on behalf of the Mental Wellness
6 Division of the Department of Public Safety to be designated the
7 "Mental Wellness Division Revolving Fund". The fund shall be a
8 continuing fund, not subject to fiscal year limitations, and shall
9 consist of those monies appropriated to the fund by law or deposited
10 in the fund as provided pursuant to the provisions of Section 3 of
11 this act. All monies accruing to the credit of the fund are hereby
12 appropriated and may be budgeted and expended by the Mental Wellness
13 Division for the purpose of providing mental wellness services and
14 programs to public safety personnel. Expenditures from the fund
15 shall be made upon warrants issued by the State Treasurer against
16 claims filed as prescribed by law with the Director of the Office of
17 Management and Enterprise Services for approval and payment.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 9103 of Title 74, unless there
20 is created a duplication in numbering, reads as follows:

21 A. There is hereby authorized the establishment of a not-for-
22 profit foundation to raise funds for the Mental Wellness Division
23 Revolving Fund, created in Section 2 of this act, and the
24 achievement of the goals of this act.

1 B. The foundation created pursuant to this section may receive
2 funds from any public or private source to carry out the purposes of
3 this act including, but not limited to, gifts or grants from any
4 department, agency, or instrumentality of the United States or of
5 this state for any purpose consistent with the provisions of this
6 act.

7 C. Upon proper incorporation, the foundation shall secure tax-
8 exempt status under the appropriate provision of Section 501(c) of
9 the Internal Revenue Code, 26 U.S.C., Section 501(c).

10 D. Any member of the foundation who may have a financial
11 interest in an action under consideration by the foundation shall
12 abstain from voting on such matter.

13 SECTION 4. This act shall become effective in accordance with
14 the provisions of Section 58 of Article V of the Oklahoma
15 Constitution.

1 Passed the Senate the 24th day of March, 2022.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

7
8 _____
9 Presiding Officer of the House
10 of Representatives