

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB658 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Kevin West

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 658

By: Dahm of the Senate

and

West (Kevin) of the House

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9 FLOOR SUBSTITUTE

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

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

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

24 Section 1210.191 A. No minor child shall be admitted to any  
public, private, or parochial school operating in this state unless  
and until certification is presented to the appropriate school  
authorities from a licensed physician, or authorized representative

1 of the State Department of Health, that such child has received or  
2 is in the process of receiving, immunizations against diphtheria,  
3 pertussis, tetanus, haemophilus influenzae type B (HIB), measles  
4 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is  
5 likely to be immune as a result of the disease.

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

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

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

7 D. The State Department of Education and the governing boards  
8 of the school districts of this state shall provide for release to  
9 the Oklahoma Health Care Authority of the immunization records of  
10 school children covered under Title XIX or Title XXI of the federal  
11 Social Security Act who have not received the required immunizations  
12 at the appropriate time. The information received pursuant to such  
13 release shall be transmitted by the Oklahoma Health Care Authority  
14 to medical providers who provide services to such children pursuant  
15 to Title XIX or Title XXI to assist in their efforts to increase the  
16 rate of childhood immunizations pursuant to the requirements of the  
17 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)  
18 services provisions. The provisions of this subsection shall not be  
19 construed to prohibit or affect the eligibility of any child to  
20 receive benefits pursuant to Title XIX or Title XXI of the Social  
21 Security Act or to require the immunization of any child if such  
22 child is exempt from the immunization requirements pursuant to law.  
23 The name of any child exempt from immunization pursuant to Section  
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1 1210.192 of this title shall not be included in the information  
2 transmitted pursuant to this subsection.

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

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

12 SECTION 2. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1210.190 of Title 70, unless  
14 there is created a duplication in numbering, reads as follows:

15 A. As used in this section:

16 1. "Relevant study" means:

- 17 a. a randomized controlled study,  
18 b. a peer-reviewed study, or  
19 c. a study performed by one or more researchers that has  
20 been published in a print or electronic research  
21 journal;

22 2. "Significant adverse effects" means recurring headaches,  
23 negative impact on the cardiovascular system, negative impact on the  
24 cardiopulmonary system including, but not limited to, any reduction

1 in blood oxygenation or respiratory volume, significant nausea and  
2 vomiting or other side effects that a reasonable physician would  
3 consider significant; and

4 3. "Substantial harm" means:

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

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

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

22 2. The mandate shall explicitly list the purposes for the  
23 mandate. If no specific purposes are listed in the mandate, the  
24 mandate shall be invalidated.

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

5           4. Any mandate to implement wearing a mask or any other medical  
6 device shall be reconsidered at each regularly scheduled board  
7 meeting.

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

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

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

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

22           SECTION 3. This act shall become effective July 1, 2021.

23           SECTION 4. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 58-1-8133 EK 04/13/21

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