

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2218

By: McDugle

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 6403, which relates to the
9 Catastrophic Health Emergency Powers Act; prohibiting
governmental entities from closing or limiting
businesses; and providing an effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 6403, is
14 amended to read as follows:

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

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

- 1 1. Suspend the provisions of any regulatory statute prescribing
2 procedures for conducting state business, or the orders and rules of
3 any state agency, to the extent that strict compliance with the same
4 would prevent, hinder, or delay necessary action (including
5 emergency purchases) by the public health authority to respond to
6 the catastrophic health emergency, or increase the health threat to
7 the population;
- 8 2. Utilize all available resources of the state government and
9 its political subdivisions, as reasonably necessary to respond to
10 the catastrophic health emergency;
- 11 3. Transfer the direction, personnel, or functions of state
12 departments and agencies in order to perform or facilitate response
13 and recovery programs regarding the catastrophic health emergency;
- 14 4. Mobilize all or any part of the National Guard into service
15 of the state. An order directing the National Guard to report for
16 active duty shall state the purpose for which it is mobilized and
17 the objectives to be accomplished;
- 18 5. Provide aid to and seek aid from other states during the
19 catastrophic health emergency in accordance with any interstate
20 emergency compact made with this state; and
- 21 6. Seek aid from the federal government for the catastrophic
22 health emergency in accordance with federal programs or
23 requirements.

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

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

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

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

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

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

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

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1 E. Nothing in the Catastrophic Health Emergency Powers Act
2 shall allow the Governor or any other governmental entity to:

3 1. Force a business to close;

4 2. Limit or in any way restrict the hours of operation of a
5 business; or

6 3. Limit or restrict the number of occupants or patrons allowed
7 in a business.

8 SECTION 2. This act shall become effective November 1, 2021.

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