

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2335

By: Steagall, Davis, Stark,
Conley, West (Kevin),
Kendrix, Hardin (David),
Grego, McDugle, Dills,
Stearman, Miller, Russ,
Roberts (Sean), Ford, Mize,
and Gann of the House

and

Jett, Hamilton, Bullard,
Murdock, Bergstrom, Dahm,
Stephens, Newhouse, Weaver,
and Merrick of the Senate

FLOOR SUBSTITUTE

An Act relating to prevention and control of disease;
defining terms; prohibiting certain vaccination
mandates and vaccine passports; prohibiting certain
discrimination and penalties; specifying
applicability of certain provisions; creating
exceptions; establishing immunity from liability for
certain entities from certain actions; providing
certain construction; requiring accommodation of
certain exemptions; requiring certain entities to
report specified information; requiring State
Department of Health to compile information and
submit certain report; providing for codification;
and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-502.5 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. For purposes of this section:

5 1. "State agency" means any office, department, board,
6 commission, or institution of the executive, legislative or judicial
7 branch of state government; and

8 2. "Vaccine passport" means documentation that an individual
9 has been vaccinated against a particular disease.

10 B. A state agency shall not by rule, order, or other means for
11 any reason enact a vaccination requirement or require a vaccine
12 passport for any member of the general public or any employee or
13 prospective employee of the state agency or discriminate against or
14 civilly, criminally or administratively penalize any member of the
15 general public or any employee or prospective employee of the state
16 agency who declines to be vaccinated or to vaccinate his or her
17 children or who declines to utilize a vaccine passport.

18 C. The provisions of subsection B of this section shall apply
19 without exception to a product that is authorized for emergency use
20 by the United States Food and Drug Administration, a product that
21 has received accelerated approval from the United States Food and
22 Drug Administration under 21 C.F.R., Part 314, Subpart H, or a
23 product that has been approved by the United States Food and Drug
24 Administration for less than five (5) years.

1 D. With respect to a product approved by the United States Food
2 and Drug Administration for five (5) years or more, the provisions
3 of subsection B of this section shall not:

4 1. Supersede or impair the requirements or exceptions to such
5 requirements provided by:

6 a. Section 411 et seq. of Title 10 of the Oklahoma
7 Statutes,

8 b. Section 1210.191 et seq. of Title 70 of the Oklahoma
9 Statutes,

10 c. Sections 3243 and 3244 of Title 70 of the Oklahoma
11 Statutes, or

12 d. rules promulgated by the State Commissioner of Health
13 governing any type of facility licensed by the State
14 Department of Health; or

15 2. Apply to:

16 a. any county, municipality or public trust,

17 b. any hospital, long-term care facility or health care
18 facility or any entity under agreement or contract to
19 manage or operate any hospital, long-term care
20 facility or health care facility,

21 c. the University Hospitals Authority, the University
22 Hospitals Trust, the Oklahoma State University Medical
23 Authority, the Oklahoma State University Medical Trust
24 or any entity under agreement or contract to manage or

1 operate any inpatient or outpatient hospital or
2 clinical facility, office or research building or
3 other facility or property of the University Hospitals
4 Authority, the University Hospitals Trust, the
5 Oklahoma State University Medical Authority or the
6 Oklahoma State University Medical Trust,

7 d. the Military Department of the State of Oklahoma, or

8 e. the Oklahoma Department of Veterans Affairs or
9 Veterans Centers operated by the Oklahoma Department
10 of Veterans Affairs.

11 E. The following entities, any person currently or formerly
12 employed by or working on behalf of such entity, any person or
13 entity currently or formerly under contract with such entity or the
14 governing body of such entity shall not be liable for any damages
15 incurred by a person diagnosed with a communicable disease:

16 1. A state agency;

17 2. A child care facility;

18 3. A public charter, private or parochial school, the governing
19 body of a public charter, private or parochial school, a school
20 district or a school district board of education;

21 4. An institution within The Oklahoma State System of Higher
22 Education, a private postsecondary educational institution, the
23 Oklahoma State Regents for Higher Education or the board of regents

1 of an institution within The Oklahoma State System of Higher
2 Education;

3 5. A technology center school or a technology center school
4 board of education; or

5 6. Any entity listed under paragraph 2 of subsection D of this
6 section.

7 F. The provisions of this section shall not preclude a state
8 agency or an entity subject to the regulation of a state or federal
9 agency from adhering to any requirement stipulated under federal law
10 or regulation including but not limited to a requirement to mandate
11 a vaccination as a condition of receipt of federal funds or as a
12 condition of participation in a federal program.

13 G. Any state agency or other entity that mandates a vaccine due
14 to a requirement under state or federal law or rule shall
15 accommodate:

16 1. Medical exemptions as provided by the Americans with
17 Disabilities Act and any other applicable law or rule;

18 2. Religious exemptions as provided by Title VII of the Civil
19 Rights Act and any other applicable law or rule; and

20 3. To the extent required by the applicable law or rule,
21 personal or philosophical exemptions as provided by such law or
22 rule.

23 H. 1. Any state agency or other entity that mandates a vaccine
24 due to a requirement under state or federal law or rule shall submit

1 the following information to the State Department of Health in a
2 manner and frequency prescribed by the State Commissioner of Health
3 by rule:

- 4 a. a list of all required vaccines, the class of persons
5 each vaccination requirement is applicable to, and the
6 number of individuals in each class to whom the
7 vaccination requirement is applicable,
- 8 b. the number of medical, religious, and personal or
9 philosophical exemptions from a vaccination
10 requirement requested by individuals subject to the
11 requirement and the number of medical, religious, and
12 personal or philosophical exemptions granted and
13 denied by the entity, and
- 14 c. any other information required by the Commissioner by
15 rule. The Commissioner may, at his or her discretion,
16 require submission of information regarding the
17 circumstances surrounding denials of exemptions to
18 vaccination requirements as long as the information
19 does not reveal the identity of any individual and the
20 Commissioner takes reasonable steps to ensure that the
21 entity otherwise complies with any applicable state or
22 federal privacy law or rule with respect to the
23 submission.

1 2. The State Department of Health shall compile the information
2 received under paragraph 1 of this subsection and by December 1 of
3 each year shall submit a report summarizing the information to the
4 President Pro Tempore of the Senate, the Speaker of the House of
5 Representatives, and the Governor.

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

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