

STATE OF OKLAHOMA

1st Extraordinary Session of the 57th Legislature (2020)

SENATE BILL 1X

By: Dahm

AS INTRODUCED

An Act relating to health related work activity; creating the Oklahoma Return to Work and Bill of Rights Conformity Act; providing short title; stating intent; declaring state preemption of certain executive and political subdivision powers; requiring State Department of Health to provide certain signage and information to business entities; providing certain signage guidelines; providing examples of responsible health measures for certain entities; declaring limitation of liability for certain business entities, employers and employees; authorizing employers to take certain action with employees exhibiting certain symptoms; providing for noncodification; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Return to Work and Bill of Rights Conformity Act".

B. It is the intent of the Legislature to:

1. Acknowledge the efforts made to flatten the curve brought on by the threat of the Covid-19 virus;

1           2. Show appreciation for those workers who have served in any  
2 capacity and provided any sacrifice towards that goal;

3           3. Recognize the accomplishments made towards that goal;

4           4. Keep our healthcare services from being overextended;

5           5. Thank the people of this state for quickly responding to  
6 social distancing guidelines;

7           6. Encourage maintaining health-conscious behaviors going  
8 forward;

9           7. Immediately return to an open economy; and

10          8. Restore the rights protected in the U.S. Constitution such  
11 as the right to peaceably assemble and the right to freely exercise  
12 religion.

13           SECTION 2.       NEW LAW       A new section of law to be codified  
14 in the Oklahoma Statutes as Section 6406.1 of Title 63, unless there  
15 is created a duplication in numbering, reads as follows:

16           A. The State of Oklahoma hereby preempts all legislation,  
17 orders, mandates, opinions, rulings, rules and regulations touching  
18 in any way the closing of businesses due to a health emergency  
19 whether officially declared by the President, Governor or any other  
20 Executive power.

21           B. No political subdivision of this state, including the county  
22 and municipal level, shall force the closure of any business or  
23 continue the closure of any business currently closed on the  
24 effective date of this act, whether deemed essential or nonessential

1 or having any other designation, due to a catastrophic health  
2 emergency, as declared pursuant to Section 6401 et seq. of Title 63  
3 of the Oklahoma Statutes or any other health emergency provided the  
4 business has met and maintains all required licensing, permits or  
5 other regulations for normal business operations when there is no  
6 declared emergency.

7 C. No political subdivision of this state including the county  
8 and municipal level, shall force any business to limit or modify its  
9 hours of operation or continue limiting or modifying the hours of  
10 any business currently limited or modified on the effective date of  
11 this act, whether deemed essential or nonessential or having any  
12 other designation due to a catastrophic health emergency, as  
13 declared pursuant to Section 6401 et seq. of Title 63 of the  
14 Oklahoma Statutes, or any other health emergency provided the  
15 business has met and maintains all required licensing, permits or  
16 other regulations for normal business operations when there is no  
17 declared emergency.

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 6406.2 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. During the duration of any Catastrophic Health Emergency  
22 declared by the Governor pursuant to Section 6401 et seq. of Title  
23 63 of the Oklahoma Statutes, the Department of Health shall provide  
24 to any business either directly or by providing resources online for  
25

1 the business to access and print themselves, signage of the current  
2 guidelines being encouraged by the Department of Health to address  
3 the current health emergency for the business to post in their  
4 establishments.

5 B. For purposes of this section, signage shall include but not  
6 be limited to:

7 1. Guidelines on social distancing for placement at entrances,  
8 exits and throughout the business;

9 2. Instructions and guidance on appropriate hand washing  
10 methods for placement in bathrooms, kitchens, break rooms and other  
11 rooms containing a sink or hand washing station;

12 3. Instructions for employees to heed health guidelines for  
13 placement in employee gathering areas, conference rooms, bathrooms,  
14 break rooms, at vending machines and throughout the business; and

15 4. Any additional guidelines or instructions available to the  
16 Department of Health useful for addressing the health emergency.

17 SECTION 4. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 6406.3 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

20 During a declared Catastrophic Health Emergency pursuant to  
21 Section 6401 et seq. of Title 63 of the Oklahoma Statutes,  
22 businesses that do not voluntarily close and choose to remain open  
23 shall be encouraged to implement responsible measures including but  
24 not limited to the following:

- 1           1. Follow social distancing guidelines of maintaining six (6)  
2 feet or greater whenever possible between employee and employees and  
3 customers;
- 4           2. Increase cleaning schedules and additional sanitary  
5 measures;
- 6           3. Regular disinfecting of restrooms, workspaces, public access  
7 points and shared equipment;
- 8           4. Discourage the sharing of equipment and supplies;
- 9           5. Designate as many employees as possible to work remotely  
10 from home;
- 11           6. Conduct virtual, rather than in person, meetings whenever  
12 possible;
- 13           7. Limit or suspend nonessential activities and operations;
- 14           8. Stagger employee work shifts and break periods to limit in-  
15 person interactions;
- 16           9. Minimize group gatherings;
- 17           10. Post notices and signage with guidelines and  
18 recommendations throughout the business; and
- 19           11. Provide additional sick leave to employees who may be  
20 showing symptoms or who have a family member in their immediate care  
21 who may be showing symptoms.

22           SECTION 5.       NEW LAW       A new section of law to be codified  
23 in the Oklahoma Statutes as Section 6406.4 of Title 63, unless there  
24 is created a duplication in numbering, reads as follows:

1 No additional liability shall be assigned to any business owner,  
2 manager, employee or other representative of a business for opening  
3 or continuing to operate their business during a declared  
4 Catastrophic Health Emergency pursuant to Section 6401 et seq. of  
5 Title 63 of the Oklahoma Statutes.

6 SECTION 6. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as 6406.5 of Title 63, unless there is  
8 created a duplication in numbering, reads as follows:

9 During a declared Catastrophic Health Emergency pursuant to  
10 Section 6401 et seq. of Title 63 of the Oklahoma Statutes, an  
11 employer may permit:

12 1. Any employee who is showing symptoms of the current disease  
13 causing the declared health emergency to take additional sick leave  
14 for the recommended period suggested by Department of Health  
15 guidelines or until a test is performed showing the employee is not  
16 contagious.

17 2. Any employee who has a family member in their immediate care  
18 who is showing symptoms of the current disease causing the declared  
19 health emergency to take additional sick leave to care for their  
20 family member during the recommended period suggested by Department  
21 of Health guidelines or until a test is performed showing the family  
22 member of the employee is not contagious.

23 SECTION 7. 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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