

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2803

By: Kiesel

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5
6 AS INTRODUCED

7 An Act relating to public health and safety;
8 providing for civil liability relating to
9 immunization; providing for civil action in state
10 court; providing for affirmative defense; providing
11 for codification; and providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 7000 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. If any person chooses the right not to be immunized or the
18 parent, guardian or legal custodian of a child chooses the right for
19 a child not to be immunized against the diseases which require
20 immunization or chooses the right not to comply with the prescribed
21 manner and frequency of immunization administration, as prescribed
22 by the State Board of Health, such person or the parent, guardian or
23 legal custodian of such child may be civilly liable if a third party
24 suffers injury as a result of exposure to such person or such child.

1 B. Any person who suffers injury may file a civil action in
2 state court against the person or the parent, guardian or legal
3 custodian of a child who chooses the right not to be immunized. The
4 court may award actual damages, noneconomic damages, punitive
5 damages, reasonable attorney fees, and other costs reasonably
6 incurred.

7 C. A certificate of a licensed physician stating that
8 immunization would endanger the life or health of the person or
9 child shall be an affirmative defense to such action.

10 SECTION 2. This act shall become effective November 1, 2010.

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12 52-2-9054 AM 01/12/10

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