

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1509

By: Graves

AS INTRODUCED

An Act relating to public health and safety;

requiring food handlers to take tests for the Human Immunodeficiency Virus; requiring the State Board of Health to promulgate rules pertaining to such testing; requiring certain notification; authorizing certain transfers; providing for costs; providing penalties; defining term; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1118.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Every person employed as a food handler shall undergo a test for the presence of the Human Immunodeficiency Virus as follows:

1. Within thirty (30) days prior to beginning a job as a food handler;

2. By February 1, 1994, if such person is a food handler on the effective date of this act; and

3. Every six (6) months thereafter.

The test shall be used to determine if said person has contracted the Human Immunodeficiency Virus which may make said person

dangerous to the public health and safety as determined by the State Board of Health. The State Board of Health shall promulgate rules for the implementation of this section. The employer of said food handler shall be responsible for notifying each employee and applicant for employment concerning this test. The employer shall be charged all costs related to said test.

B. Unless prohibited by federal or state law, the employer may transfer any person testing positive for the Human Immunodeficiency Virus to another position if the employee is likely to be a danger to the health and safety of the public.

C. Any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor.

D. As used in this section, "food handler" means any person who prepares, serves, or actually handles food as a part of the employment of such person in any restaurant, cafe, delicatessen, commissary, catering service, club, tavern, bar, drink fountain, confectionery, cafeteria, grocery store, fruit or vegetable store, bakery, meat market, or any similar place, stationary or mobile, where food or drink is sold to the public.

SECTION 2. This act shall become effective January 1, 1994.

44-1-5739

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