STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1896 By: Erwin of the House

and

Rabon and Weedn of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending Section 7, Chapter 51, O.S.L. 1996 (63 O.S. Supp. 1999, Section 1-1001.7), which relates to the Oklahoma Bedding Regulation Act; clarifying language; allowing certain higher fees for certain out-of-state permit holders; specifying fee or providing for calculation of fees, whichever is greater; providing for expiration of certain permits; exempting auctioneers from the Oklahoma Bedding Regulation Act; authorizing certain entities to provide certain Medicaid services to certain residents; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 7, Chapter 51, O.S.L. 1996 (63 O.S. Supp. 1999, Section 1-1001.7), is amended to read as follows:

Section 1-1001.7 A. 1. Each person engaged in the business of selling, leasing, manufacturing, renovating or repairing any bedding shall ~~have obtained~~ obtain an annual permit from the State Commissioner of Health to sell or lease bedding, or an annual permit from the Commissioner to manufacture, renovate or repair bedding.

2. Each person shall pay ~~for such permit~~ a fee to be fixed by the State Board of Health~~. Unless otherwise provided by rule by the Board, each~~ for such permit ~~shall expire on the 30th day of June following its issuance. It is the intent of the Legislature that any fees~~. Fees authorized by this section shall not exceed the fees in effect on January 1, 1995, for the regulation of bedding and bedding materials; provided, however, the State Board of Health

shall set higher fees for out-of-state permit holders who do not manufacture, renovate or repair bedding in Oklahoma. The Board shall require such out-of-state permit holders to pay a permit fee of One Hundred Dollars ($100.00) or an amount equal to the permit fee in the state where the manufacture, renovation or repair operations are performed, whichever is greater.

3. Unless otherwise provided by rule by the Board, each permit shall expire on the 30th day of June following its issuance.

B. 1. Each person who sells renovated or secondhand bedding or bedding materials on a consignment basis as an ~~auctioneer,~~ itinerant vendor or broker shall obtain a permit under subsection A of this section. The renovated or secondhand bedding or bedding materials shall be sanitized by a person who holds a permit pursuant to subsection C of this section before it is sold to the public.

2. The provisions of this section shall not apply to the sale of bedding at a private sale by a person not in the business of selling bedding or to an auctioneer at private auction at the individual's residence.

C. 1. No person shall be considered to have qualified to apply an acceptable sanitization process until ~~such~~ the process has been registered with the Commissioner and determined to be in compliance with the rules~~, after which~~ promulgated by the Board. Upon determination of compliance, a permit shall ~~then~~ be issued by the Commissioner which indicates an approved sanitization process.

2. Every person to whom a permit has been issued shall keep such permit conspicuously posted on the premises of ~~his~~ such person's place of business.

~~2.~~ 3. Holders of permits to apply a sanitization process shall ~~be required to~~ keep an accurate record of all materials which have been subjected to a sanitization process, including the source of the material, the date of treatment, the type and time of treatment, and the label identification number~~, and such~~. Such records shall

be available for inspection at any reasonable time by authorized representatives of the Commissioner. ~~Such~~ The records shall be maintained for a period of time to be adopted by rule by the Board.

D. Pursuant to the Oklahoma Administrative Procedures Act:

1. The Commissioner shall suspend or revoke or may refuse to issue or renew any permit issued in accordance with the Oklahoma Bedding Regulation Act upon proof of violation of any of the provisions of the Oklahoma Bedding Regulation Act, or any rule promulgated thereto; and

2. Any person whose permit has been revoked shall be ineligible for a bedding permit for one (1) year. An application for a permit to sell, lease, manufacture, repair or renovate bedding or bedding material by such person following the one-year revocation shall be subject to provisions as set forth in an initial permit.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5053 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Health Care Authority and the Department of Human Services are authorized to provide ADvantage Waiver Program services to residents and potential residents of residential care facilities who are eligible for Medicaid when funds are available.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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