

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 1896

By: Erwin of the House

and

Rabon and Weedn of the
Senate

COMMITTEE SUBSTITUTE

[public health and safety - Oklahoma Bedding
Regulation Act - fees for certain out-of-state permit
holders -

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. 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.

47-2-3184

CJ

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