

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE JOINT
RESOLUTION HJR1056

By: Webb

AS INTRODUCED

A Joint Resolution relating to permanent rules of the Oklahoma State Department of Health; disapproving proposed permanent rules OAC 310:605-1-3, OAC 310:616-1-3, OAC 310:641-1-4, OAC 310:663-1-3, OAC 310:667-1-5, OAC 310:675-1-4, OAC 310:680-1-3, and OAC 310:680-5-8 regarding smoking at health facilities; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, pursuant to Section 1-1526 of Title 63 of the Oklahoma Statutes, the Oklahoma State Department of Health shall be responsible for the promulgation of rules and regulations necessary to implement the provisions of the Smoking in Public Places Act, which may be found in Section 1-1521 et seq. of Title 63 of the Oklahoma Statutes; and

WHEREAS, proposed permanent rules OAC 310:605-1-3, OAC 310:616-1-3, OAC 310:641-1-4, OAC 310:663-1-3, OAC 310:667-1-5, OAC 310:675-1-4, OAC 310:680-1-3, and OAC 310:680-5-8 provide for the prohibition of smoking of tobacco within certain health facilities and within fifteen (15) feet of any entrance or air intake for said facilities; and

WHEREAS, the Legislature recognizes that OAC 310:605-1-3, OAC 310:616-1-3, OAC 310:641-1-4, OAC 310:663-1-3, OAC 310:667-1-5, OAC

310:675-1-4, OAC 310:680-1-3, and OAC 310:680-5-8, adopted by the Oklahoma State Department of Health as permanent rules on February 14, 2002, and submitted to the Legislature for consideration on February 25, 2002, are not consistent with legislative intent, and violate the public policy of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed permanent rules OAC 310:605-1-3, OAC 310:616-1-3, OAC 310:641-1-4, OAC 310:663-1-3, OAC 310:667-1-5, OAC 310:675-1-4, OAC 310:680-1-3, and OAC 310:680-5-8.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the State Commissioner of Health and the Editor of "The Oklahoma Register".

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 resolution shall take effect and be in full force from and after its passage and approval.

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