

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE JOINT
RESOLUTION HJR9999

By: Webb

AS INTRODUCED

A Joint Resolution relating to permanent rules of the Oklahoma State Department of Health; disapproving proposed amendments to permanent rule OAC 310:210-5-5 and proposed permanent rules OAC 310:210-7-15, OAC 310:210-9-12 and OAC 310:210-11-16, regarding smoking within or around barber facilities, barber schools and barber colleges, proposed permanent rule OAC 310:215-7-5, regarding smoking within or around bedding manufacturing facilities, proposed permanent rule OAC 310:260-1-7, regarding smoking within or around food manufacturing facilities, proposed permanent rule OAC 310:265-1-4, regarding smoking within or around hearing aid dealer establishments, and proposed permanent rule OAC 310:285-1-5, regarding smoking within or around lodging 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 amendments to permanent rule OAC 310:210-5-5 and proposed permanent rules OAC 310:210-7-15, OAC 310:210-9-12 and OAC 310:210-11-16, prohibit smoking within barber facilities, barber

schools and barber colleges or within fifteen (15) feet of any entrance or air intake for said facilities, schools and colleges; and

WHEREAS, proposed permanent rule OAC 310:215-7-5 prohibits smoking within bedding manufacturing facilities or within fifteen (15) feet of any entrance or air intake for said facilities; and

WHEREAS, proposed permanent rule OAC 310:260-1-7 prohibits smoking within food manufacturing facilities or within fifteen (15) feet of any entrance or air intake for said facilities; and

WHEREAS, proposed permanent rule OAC 310:265-1-4 prohibits smoking within hearing aid dealer establishments or within fifteen (15) feet of any entrance or air intake for said establishments; and

WHEREAS, proposed permanent rule OAC 310:285-1-5 prohibits smoking within lodging facilities or within fifteen (15) feet of any entrance or air intake for said facilities; and

WHEREAS, the Legislature recognizes that proposed permanent rules OAC 310:210-7-15, OAC 310:210-9-12, OAC 310:210-11-16, OAC 310:215-7-5, OAC 310:260-1-7, OAC 310:265-1-4, and OAC 310:285-1-5 and proposed amendments to permanent rule OAC 310:210-5-5, adopted by the Oklahoma State Department of Health on March 14, 2002, and submitted to the Legislature for consideration on March 25, 2002, are not consistent with legislative intent, exceed the statutory authority of the Oklahoma State Department of Health, violate state statute 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 310:210-7-15, OAC 310:210-9-12, OAC 310:210-11-16, OAC 310:215-7-5, OAC 310:260-1-7, OAC 310:265-1-4, OAC 310:285-1-5 and proposed amendments to permanent rule OAC 310:210-5-5.

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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