

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 572

By: Crain of the Senate

3 and

4 Peters of the House

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7
8 (public health and safety - local health services -
9 approval - identical regulations - exemptions -
10 effective date)

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13 AUTHORS: Add the following House Coauthors: Cox and Derby

14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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16 "An Act relating to public health and safety;
17 amending 63 O.S. 2001, Sections 1-202, 1-209 and 1-
213, which relate to local health services;
18 prohibiting certain regulations from being more
19 stringent than state law; requiring certain approval
by the State Commissioner of Health for certain
ordinances and rules; exempting certain rules; and
providing an effective date.

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

23 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-202, is
24 amended to read as follows:

1 Section 1-202. The county board of health shall have the
2 following powers and duties:

3 ~~(a) organize~~ 1. Organize by electing a ~~chairman~~ chair and
4 other necessary officers annually, and meet at such times, in such
5 manner and upon such notice as the board shall prescribe. Provided,
6 that the board shall meet at least two times each year;

7 ~~(b) establish~~ 2. Establish and maintain a county department of
8 health, if the same, in the opinion of the board, will be to the
9 best interest of the county;

10 ~~(c) enter~~ 3. Enter into agreements with county boards of
11 health of other counties, and with the governing boards or boards of
12 health of cities, towns and school districts lying wholly or partly
13 in the county, for the establishment and operation of district or
14 cooperative departments of health;

15 ~~(d) prepare~~ 4. Prepare and submit to the county excise board,
16 annually, an estimate of its needs, and needs for the operation of
17 the county department of health, if any, or for its proportionate
18 part of the costs of operation of a district or cooperative
19 department of health, if it has entered into an agreement therefor;

20 ~~(e) advise~~ 5. Advise with the State Commissioner of Health on
21 matters pertaining to public health in the county, and as to the
22 appointment of the county superintendent of health or the medical
23 director of the county, district or cooperative department of
24 health; and

1 ~~(f) adopt~~ 6. Adopt regulations, which shall be subject to the
2 approval of the State Commissioner of Health, ~~not inconsistent with~~
3 and shall not be more stringent than state law and rules and
4 regulations of the State Board of Health, to protect the public
5 health in the county in emergencies.

6 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-209, is
7 amended to read as follows:

8 Section 1-209. A. 1. Except as may be otherwise provided by
9 city charter, the governing board of each city or incorporated town
10 shall serve, ex officio, as the board of health for such city or
11 town, and shall appoint, and fix the duties and compensation of, a
12 health officer and other personnel to enforce the ordinances of such
13 city or town relating to public health.

14 2. Except as otherwise provided by this subsection, the
15 governing board may adopt such ordinances and rules as it deems
16 necessary for the protection of the public health, ~~provided such~~
17 ordinances and rules are not inconsistent with state laws or rules
18 of the State Board of Health. The governing board shall enforce
19 such laws and rules as may be required by the State Commissioner of
20 Health and may, by agreement with the medical director of the county
21 or district department of health, delegate to such department the
22 authority to enforce ordinances of the city or town relating to
23 public health. Except as otherwise provided by law, responsibility
24 for licensing, regulation and inspection of nursing facilities and

1 specialized facilities, as defined in the Nursing Home Care Act and
2 for enforcement of state health and safety standards applicable to
3 such facilities, shall be reserved to the State Department of Health
4 and shall be exercised pursuant to the provisions of the Nursing
5 Home Care Act.

6 3. Except as otherwise provided by law, responsibility for the
7 licensing and inspection of any establishment where food or drink is
8 offered for sale or sold, in accordance with the provisions of
9 Section 1-1118 of this title, and for the enforcement of state
10 health and safety standards applicable to such establishments, shall
11 be reserved to the State Department of Health. Any such rules
12 adopted by a governing body of a city or town relating to an
13 establishment where food or drink is offered for sale or sold shall
14 not be more stringent than the rules for such establishments adopted
15 by the State Board of Health; provided, that rules adopted prior to
16 May 31, 2008, which directly relate to training and permit
17 requirements for food managers and food handlers and fees related to
18 such establishments shall, in addition to the license fee required
19 by the State Board of Health, be exempt from the provisions of this
20 subsection.

21 B. The governing board of each city or incorporated town may
22 adopt and enforce such ordinances as it deems necessary for the
23 protection of the environment, provided such ordinances are not
24 inconsistent with state laws or rules of the Environmental Quality

1 Board. The governing board may, by agreement with the Department of
2 Environmental Quality, delegate to the local representative of the
3 Department of Environmental Quality the authority to investigate
4 ordinances of the city or town relating to the environment and
5 submit such investigative results to the clerk of the city or town.

6 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-213, is
7 amended to read as follows:

8 Section 1-213. ~~(a) A.~~ The Board of County Commissioners board
9 of county commissioners in any county that qualifies under Section
10 210 of this article is hereby authorized and empowered to make and
11 enforce all reasonable rules and regulations with regard to the
12 preservation and promotion of public health; provided, that any such
13 rules or regulations shall have first been recommended or approved
14 by the city-county board of health, and further provided that such
15 rules and regulations shall not be inconsistent with state laws or
16 rules and regulations of the State Board of Health. Such rules and
17 regulations shall be operative throughout the county, except within
18 the limits of incorporated cities and towns. Any such rules adopted
19 by county commissioners relating to an establishment where food or
20 drink is offered for sale or sold shall not be more stringent than
21 the rules for such establishments adopted by the State Board of
22 Health; provided, that rules adopted prior to May 31, 2008, which
23 directly relate to training and permit requirements for food
24 managers and food handlers and fees related to such establishments

1 shall, in addition to the license fee required by the State Board of
2 Health, be exempt from the provisions of this subsection.

3 ~~(b) B. The Board of County Commissioners~~ board of county
4 commissioners is also authorized to provide for the levying and
5 collection of fees for services performed by such city-county health
6 department outside the boundaries of incorporated cities and towns
7 within such county. Any person who violates any rule or regulation
8 made by such board of county commissioners under the authority of
9 this section shall be guilty of a misdemeanor.

10 SECTION 4. This act shall become effective November 1, 2009."

11 Passed the House of Representatives the 7th day of April, 2009.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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