

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 572

By: Crain of the Senate

and

Peters of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; amending
11 63 O.S. 2001, Sections 1-202, 1-209 and 1-213, which
12 relate to local health services; prohibiting certain
13 regulations from being more stringent than state law;
14 requiring certain approval by the State Commissioner
15 of Health for certain ordinances and rules; exempting
16 certain rules; and providing an effective date.

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

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

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

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

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

4 ~~(c) enter~~ 3. Enter into agreements with county boards of
5 health of other counties, and with the governing boards or boards of
6 health of cities, towns and school districts lying wholly or partly
7 in the county, for the establishment and operation of district or
8 cooperative departments of health-; i

9 ~~(d) prepare~~ 4. Prepare and submit to the county excise board,
10 annually, an estimate of its needs, and needs for the operation of
11 the county department of health, if any, or for its proportionate
12 part of the costs of operation of a district or cooperative
13 department of health, if it has entered into an agreement therefor-; i

14 ~~(e) advise~~ 5. Advise with the State Commissioner of Health on
15 matters pertaining to public health in the county, and as to the
16 appointment of the county superintendent of health or the medical
17 director of the county, district or cooperative department of
18 health-; and

19 ~~(f) adopt~~ 6. Adopt regulations, which shall be subject to the
20 approval of the State Commissioner of Health, ~~not inconsistent with~~
21 and shall not be more stringent than state law and rules and
22 regulations of the State Board of Health, to protect the public
23 health in the county in emergencies.

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

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

9 2. Except as otherwise provided by this subsection, the
10 governing board may adopt such ordinances and rules as it deems
11 necessary for the protection of the public health, provided such
12 ordinances and rules ~~are not inconsistent with state~~ shall be
13 subject to the approval of the State Commissioner of Health and
14 shall not be more stringent than state laws or rules of the State
15 Board of Health. The governing board shall enforce such laws and
16 rules as may be required by the State Commissioner of Health and
17 may, by agreement with the medical director of the county or
18 district department of health, delegate to such department the
19 authority to enforce ordinances of the city or town relating to
20 public health. Except as otherwise provided by law, responsibility
21 for licensing, regulation and inspection of nursing facilities and
22 specialized facilities, as defined in the Nursing Home Care Act and
23 for enforcement of state health and safety standards applicable to
24 such facilities, shall be reserved to the State Department of Health

1 and shall be exercised pursuant to the provisions of the Nursing
2 Home Care Act.

3 3. Except as otherwise provided by law, responsibility for the
4 licensing and inspection of any establishment where food or drink is
5 offered for sale or sold, in accordance with the provisions of
6 Section 1-1118 of this title, and for the enforcement of state
7 health and safety standards applicable to such establishments, shall
8 be reserved to the State Department of Health. Rules adopted prior
9 to May 31, 2008, which directly relate to training and permit
10 requirements for food managers and food handlers and fees related to
11 such establishments shall, in addition to the license fee required
12 by the State Board of Health, be exempt from the provisions of this
13 subsection.

14 B. The governing board of each city or incorporated town may
15 adopt and enforce such ordinances as it deems necessary for the
16 protection of the environment, provided such ordinances are not
17 inconsistent with state laws or rules of the Environmental Quality
18 Board. The governing board may, by agreement with the Department of
19 Environmental Quality, delegate to the local representative of the
20 Department of Environmental Quality the authority to investigate
21 ordinances of the city or town relating to the environment and
22 submit such investigative results to the clerk of the city or town.

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

1 Section 1-213. ~~(a)~~ A. The ~~Board of County Commissioners~~ board
2 of county commissioners in any county that qualifies under Section
3 210 of this article is hereby authorized and empowered to make and
4 enforce all reasonable rules and regulations with regard to the
5 preservation and promotion of public health; provided, that any such
6 rules or regulations shall have first been recommended or approved
7 by the city-county board of health, and further provided that such
8 rules and regulations shall ~~not be inconsistent with~~ be subject to
9 the approval of the State Commissioner of Health and shall not be
10 more stringent than state laws or rules and regulations of the State
11 Board of Health. Such rules and regulations shall be operative
12 throughout the county, except within the limits of incorporated
13 cities and towns. Rules adopted prior to May 31, 2008, which
14 directly relate to training and permit requirements for food
15 managers and food handlers and fees related to such establishments
16 shall, in addition to the license fee required by the State Board of
17 Health, be exempt from the provisions of this subsection.

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

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

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