

1 ENGROSSED SENATE  
2 BILL NO. 572

By: Crain of the Senate  
and  
Peters of the House

3  
4  
5  
6  
7 [ public health and safety - local health services -  
8 approval - identical regulations - exemptions -  
9 effective date ]

10

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

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

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

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

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

23 ~~(c) enter~~ 3. Enter into agreements with county boards of  
24 health of other counties, and with the governing boards or boards of

1 health of cities, towns and school districts lying wholly or partly  
2 in the county, for the establishment and operation of district or  
3 cooperative departments of health-; i

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

9 ~~(e) advise~~ 5. Advise with the State Commissioner of Health on  
10 matters pertaining to public health in the county, and as to the  
11 appointment of the county superintendent of health or the medical  
12 director of the county, district or cooperative department of  
13 health-; i and

14 ~~(f) adopt~~ 6. Adopt regulations, which shall be subject to the  
15 approval of the State Commissioner of Health, ~~not inconsistent with~~  
16 and shall not be more stringent than state law and rules and  
17 regulations of the State Board of Health, to protect the public  
18 health in the county in emergencies.

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

21 Section 1-209. A. 1. Except as may be otherwise provided by  
22 city charter, the governing board of each city or incorporated town  
23 shall serve, ex officio, as the board of health for such city or  
24 town, and shall appoint, and fix the duties and compensation of, a

1 health officer and other personnel to enforce the ordinances of such  
2 city or town relating to public health.

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

21 3. Except as otherwise provided by law, responsibility for the  
22 licensing and inspection of any establishment where food or drink is  
23 offered for sale or sold, in accordance with the provisions of  
24 Section 1-1118 of this title, and for the enforcement of state

1 health and safety standards applicable to such establishments, shall  
2 be reserved to the State Department of Health. Any such ordinances  
3 or rules adopted by a governing body of a city or town relating to  
4 an establishment where food or drink is offered for sale or sold  
5 shall be identical to the rules for such establishments adopted by  
6 the State Board of Health; provided, that rules adopted prior to May  
7 31, 2008, which directly relate to training and permit requirements  
8 for food managers and food handlers and fees related to such  
9 establishments shall, in addition to the license fee required by the  
10 State Board of Health, be exempt from the provisions of this  
11 subsection.

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

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

23 Section 1-213. ~~(a)~~ A. ~~The Board of County Commissioners board~~  
24 of county commissioners in any county that qualifies under Section

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

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

1 made by such board of county commissioners under the authority of  
2 this section shall be guilty of a misdemeanor.

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

4 Passed the Senate the 3rd day of March, 2009.

5

6

\_\_\_\_\_  
Presiding Officer of the Senate

7

8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

9 2009.

10

11

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

12

13

14

15

16

17

18

19

20

21

22

23

24