

THE HOUSE OF REPRESENTATIVES

Thursday, April 2, 2009

Committee Substitute for

ENGROSSED

Senate Bill No. 572

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 572 - By: CRAIN of the Senate and PETERS AND COX of the House.

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-202, 1-209 and 1-213, which relate to local health services; prohibiting certain regulations from being more 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 3. Except as otherwise provided by law, responsibility for the licensing and
17 inspection of any establishment where food or drink is offered for sale or sold, in
18 accordance with the provisions of Section 1-1118 of this title, and for the enforcement of
19 state health and safety standards applicable to such establishments, shall be reserved to
20 the State Department of Health. Rules adopted prior to May 31, 2008, which directly
21 relate to training and permit requirements for food managers and food handlers and fees

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

3 B. The governing board of each city or incorporated town may adopt and enforce
4 such ordinances as it deems necessary for the protection of the environment, provided
5 such ordinances are not inconsistent with state laws or rules of the Environmental
6 Quality Board. The governing board may, by agreement with the Department of
7 Environmental Quality, delegate to the local representative of the Department of
8 Environmental Quality the authority to investigate ordinances of the city or town
9 relating to the environment and submit such investigative results to the clerk of the city
10 or town.

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

13 Section 1-213. ~~(a)~~ A. The ~~Board of County Commissioners~~ board of county
14 commissioners in any county that qualifies under Section 210 of this article is hereby
15 authorized and empowered to make and enforce all reasonable rules and regulations
16 with regard to the preservation and promotion of public health; provided, that any such
17 rules or regulations shall have first been recommended or approved by the city-county
18 board of health, and further provided that such rules and regulations shall ~~not be~~
19 ~~inconsistent with~~ be subject to the approval of the State Commissioner of Health and
20 shall not be more stringent than state laws or rules and regulations of the State Board of
21 Health. Such rules and regulations shall be operative throughout the county, except
22 within the limits of incorporated cities and towns. Rules adopted prior to May 31, 2008,

1 which directly relate to training and permit requirements for food managers and food
2 handlers and fees related to such establishments shall, in addition to the license fee
3 required by the State Board of Health, be exempt from the provisions of this subsection.

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04-01-09 - DO
12 PASS, As Amended and Coauthored.