

SB 572

Senate Bill No. 572
As Amended

SENATE BILL NO. 572 - By: Crain of the Senate and Peters 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; requiring certain approval by the State commissioner of Health; prohibiting certain regulations from being more stringent than state law; **requiring certain regulations to be identical; providing for certain exemptions;** and providing an effective date.

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

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

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

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

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

~~(c) enter~~ 3. Enter into agreements with county boards of 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-;

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-;

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-; 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

1 town, and shall appoint, and fix the duties and compensation of, a
2 health officer and other personnel to enforce the ordinances of such
3 city or town relating to public health.

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

22 3. Except as otherwise provided by law, responsibility for the
23 licensing and inspection of any establishment where food or drink is

1 offered for sale or sold, in accordance with the provisions of
2 Section 1-1118 of this title, and for the enforcement of state
3 health and safety standards applicable to such establishments, shall
4 be reserved to the State Department of Health. Any such ordinances
5 or rules adopted by a governing body of a city or town relating to
6 an establishment where food or drink is offered for sale or sold
7 shall be identical to the rules for such establishments adopted by
8 the State Board of Health; provided, that rules adopted prior to May
9 31, 2008, which directly relate to training and permit requirements
10 for food managers and food handlers and fees related to such
11 establishments shall, in addition to the license fee required by the
12 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.

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

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
10 2-12-09 - DO PASS, As Amended and Coauthored.