

1 STATE OF OKLAHOMA

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

3 SENATE BILL 572

By: Crain

4
5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2001, Sections 1-202, 1-209 and 1-213, which
9 relate to local health services; requiring certain
10 approval by the State commissioner of Health;
11 prohibiting certain regulations from being more
12 stringent than state law; and providing an effective
13 date.

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

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

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

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

23 ~~(b) establish~~ 2. Establish and maintain a county department of
24 health, if the 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
2 of other counties, and with the governing boards or boards of health
3 of cities, towns and school districts lying wholly or partly in the
4 county, for the establishment and operation of district or
5 cooperative departments of health-; i

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

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

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

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

23 Section 1-209. A. 1. Except as may be otherwise provided by
24 city charter, the governing board of each city or incorporated town

1 shall serve, ex officio, as the board of health for such city or town,
2 and shall appoint, and fix the duties and compensation of, a health
3 officer and other personnel to enforce the ordinances of such city or
4 town relating to public health.

5 2. Except as otherwise provided by this subsection, the
6 governing board may adopt such ordinances and rules as it deems
7 necessary for the protection of the public health, ~~provided such~~
8 ~~ordinances and rules are not inconsistent with state~~ shall be subject
9 to the approval of the State Commissioner of Health and shall not be
10 more stringent than state laws or rules of the State Board of Health.

11 The governing board shall enforce such laws and rules as may be
12 required by the State Commissioner of Health and may, by agreement
13 with the medical director of the county or district department of
14 health, delegate to such department the authority to enforce
15 ordinances of the city or town relating to public health. Except as
16 otherwise provided by law, responsibility for licensing, regulation
17 and inspection of nursing facilities and specialized facilities, as
18 defined in the Nursing Home Care Act and for enforcement of state
19 health and safety standards applicable to such facilities, shall be
20 reserved to the State Department of Health and shall be exercised
21 pursuant to the provisions of the Nursing 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
24 offered for sale or sold, in accordance with the provisions of

1 Section 1-1118 of this title, and for the enforcement of state health
2 and safety standards applicable to such establishments, shall be
3 reserved to the State Department of Health.

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

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

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

1 of Health. Such rules and regulations shall be operative throughout
2 the county, except within the limits of incorporated cities and towns.

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
12 52-1-817 JM 3/6/2009 5:23:44 AM

13
14
15
16
17
18
19
20
21
22
23
24