

1 STATE OF OKLAHOMA

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

3 SENATE BILL 594

By: Easley

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6 AS INTRODUCED

7 An Act relating to public health and safety; defining
8 terms; directing the State Department of Health to
9 develop and implement a food employee education
10 program; stating purpose of program; directing the
11 Department to adopt a curriculum; directing the
12 Department to issue a food employee certification
13 card to certain persons; permitting the Department to
14 assess certain fees; authorizing the Department to
15 enter into certain contracts; permitting the food
16 education program to be delivered through the
17 internet; clarifying scope of act; prohibiting food
18 service establishments from hiring certain persons;
19 prohibiting certain persons from working in food
20 service establishments; directing the State Board of
21 Health to promulgate certain rules; providing for
22 codification; and providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-1151 of Title 63, unless there
is created a duplication in numbering, reads as follows:

For purposes of this act:

1. "Food employee" means a person working in a food service
establishment with unpackaged food, food equipment or utensils, or
food-contact surfaces; and

1 2. "Food service establishment" means an operation subject to
2 licensure pursuant to Section 1-1101 et seq. of this title that
3 stores, prepares, packages, serves, vends, or otherwise provides
4 food for human consumption.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-1152 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The State Department of Health shall develop and implement a
9 food employee education program. The purpose of the food employee
10 education program shall be to ensure that food employees have
11 knowledge of safe techniques for proper storage, preparation,
12 display, and service of foods in order to protect the public by
13 reducing the risks of a foodborne illness.

14 B. The Department shall adopt a curriculum which, at a minimum,
15 shall include training on food safety and sanitation, hazards to
16 food safety, factors that affect foodborne illness, the Hazard
17 Analysis Critical Control Point (HACCP) System, and food safety
18 regulations.

19 C. The Department shall issue a food employee certification
20 card to persons who satisfactorily complete the course of training
21 and pass a food employee certification examination. A food employee
22 certification shall expire three years after the date of issuance.

23 D. The Department may assess a fee not to exceed Ten Dollars
24 (\$10.00) per person for the administration of the food education

1 program. The Department may assess a fee not to exceed Five Dollars
2 (\$5.00) for each duplicate food employee certification card.

3 E. The Department may enter into contracts with public or
4 private entities to implement the food employee education program.

5 F. The food employee education program may be delivered through
6 the internet.

7 G. This act shall not affect an ordinance or rule adopted and
8 enforced by a political subdivision to require food employee
9 education and certification.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-1153 of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 A. No person who operates a food service establishment shall
14 hire, permit to be hired, or permit to work any food employee who
15 does not possess a current and unrevoked food employee
16 certification.

17 B. No person shall work in a food service establishment as a
18 food employee unless such person has in his or her possession a
19 current and unrevoked food employee certification card and a
20 government-issued photo identification card available at all times
21 while working at the food service establishment.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-1154 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

1 The State Board of Health shall promulgate rules as necessary to
2 implement the provisions of this act, which, at a minimum, shall
3 include minimum criteria for food employee certification and
4 recertification and penalties for noncompliance. The rules may
5 provide for certification and recertification of food employees who
6 have been certified by a local health jurisdiction and have
7 completed education and examination requirements substantially
8 similar to those required by this act.

9 SECTION 5. This act shall become effective November 1, 2009.

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