

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 1938

6 By: Condit and Dorman

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to public health and safety; amending
9 63 O.S. 2001, Section 1-1118, which relates to
10 persons licensed to sell food or drink; establishing
11 annual fee for certain pharmacies for license to sell
12 food and drink; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1118, is
16 amended to read as follow:

17 Section 1-1118. A. It shall be unlawful for any person to
18 operate or maintain any establishment, stationary or otherwise,
19 where food or drink is offered for sale, or sold, to the public,
20 unless the person is the holder of a license issued for such purpose
21 by the State Commissioner of Health.

22 B. Unless otherwise provided by rule by the State Board of
23 Health, each such license shall expire on the 30th day of June
24 following its issuance. The Commissioner shall charge and collect

1 for each such license an annual fee to be fixed by the State Board
2 of Health. The annual fee for a pharmacy licensed by the State
3 Board of Pharmacy that is licensed to sell food and drink shall be
4 equal to one-half (1/2) the amount of the fee established for the
5 license to sell food and drink; provided, however, that a pharmacy
6 shall receive at least eighty percent (80%) of total sales from the
7 sale of medicine. A license shall not be required of a nonprofit
8 civic, charitable or religious organization, using nonpaid persons
9 to prepare or serve food on its behalf, for occasional fund-raising
10 events sponsored and conducted by the organization. The
11 Commissioner shall provide guidelines for safeguarding the health of
12 customers of such events. The Board may by rule provide that a
13 license which is fee-exempt under rules adopted by the Board
14 pursuant to subsection D of Section 1-106.1 of this title shall not
15 expire but shall remain in full force and effect until affirmatively
16 revoked, suspended, annulled or withdrawn by the Commissioner in
17 accordance with applicable law. The Board may by rule also provide
18 that licenses for establishments serving events of limited duration
19 or operating on a seasonal basis shall extend only for the term of
20 the event or season, and may by rule adjust the fees for such
21 licenses accordingly.

22 C. The State Board of Health shall promulgate reasonable
23 standards and rules for sanitation of establishments required to be
24 licensed, which shall include the following: buildings, vehicles,

1 and appurtenances thereto, including plumbing, ventilation and
2 lighting; construction, cleanliness and bactericidal treatment of
3 equipment and utensils; cleanliness, wholesomeness, storage and
4 refrigeration of food and drink sold or served; cleanliness and
5 hygiene of personnel; toilet facilities; disposal of waste; water
6 supply; and other items deemed necessary to safeguard the health,
7 comfort, and safety of customers.

8 D. Day care centers or family day care centers, and all other
9 child care facilities as defined and licensed pursuant to the
10 provisions of the Oklahoma Child Care Facilities Licensing Act shall
11 not be deemed to be food service establishments.

12 E. Nursing facilities and specialized facilities, as defined in
13 and licensed pursuant to the provisions of the Nursing Home Care Act
14 and residential care homes as defined by the Residential Care Act
15 shall not be deemed to be food service establishments.

16 SECTION 2. This act shall become effective November 1, 2011.

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