

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2487

By: Billy

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7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending
9 63 O.S. 2011, Section 1-1118, which requires a
10 license for establishments selling food or drink;
11 providing certain exceptions from licensing
12 requirements; and providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1118, is
15 amended to read as follows:

16 Section 1-1118. A. It shall be unlawful for any person to
17 operate or maintain any establishment, stationary or otherwise,
18 where food or drink is offered for sale, or sold, to the public,
19 unless the person is the holder of a food service establishment
20 license issued for such purpose by the State Commissioner of Health
21 or an authorized designee. A license shall not be required for:

22 1. A produce stand that only offers whole, uncut and
23 unprocessed fresh fruits, melons and vegetables;
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1 2. A produce stand that only offers whole, uncracked and
2 unprocessed nuts and legumes; and

3 3. A manufacturer, wholesaler or broker of food licensed
4 pursuant to Section 1-1119 of this title.

5 B. Unless otherwise provided by rule by the State Board of
6 Health, each such license shall expire on the 30th day of June
7 following its issuance. The Commissioner shall charge and collect
8 for each such license an annual fee to be fixed by the State Board
9 of Health. A license shall not be required of a nonprofit civic,
10 charitable or religious organization, using nonpaid persons to
11 prepare or serve food on its behalf, for occasional fund-raising
12 events sponsored and conducted by the organization. The
13 Commissioner shall provide guidelines for safeguarding the health of
14 customers of such events. The Board may by rule provide that a
15 license which is fee-exempt under rules adopted by the Board
16 pursuant to subsection D of Section 1-106.1 of this title shall not
17 expire but shall remain in full force and effect until affirmatively
18 revoked, suspended, annulled or withdrawn by the Commissioner in
19 accordance with applicable law.

20 The Board may by rule also provide that licenses for
21 establishments serving events of limited duration or operating on a
22 seasonal basis shall extend only for the term of the event or
23 season, and may by rule adjust the fees for such licenses
24 accordingly.

1 C. The State Board of Health shall promulgate reasonable
2 standards and rules for sanitation of establishments required to be
3 licensed, which shall include the following: buildings, vehicles,
4 and appurtenances thereto, including plumbing, ventilation and
5 lighting; construction, cleanliness and bactericidal treatment of
6 equipment and utensils; cleanliness, wholesomeness, storage and
7 refrigeration of food and drink sold or served; cleanliness and
8 hygiene of personnel; toilet facilities; disposal of waste; water
9 supply; and other items deemed necessary to safeguard the health,
10 comfort, and safety of customers.

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

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

19 SECTION 2. This act shall become effective November 1, 2014.
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