HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2487

By: Billy and Denney of the House

and

Brooks of the Senate

COMMITTEE SUBSTITUTE

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1. A produce stand that only offers whole, uncut and unprocessed fresh fruits, melons and vegetables;

2. A produce stand that only offers whole, uncracked and unprocessed nuts and legumes; and

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

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title shall not expire but shall remain in full force and effect until affirmatively revoked, suspended, annulled or withdrawn by the Commissioner in accordance with applicable law.

The Board may by rule also provide that licenses for establishments serving events of limited duration or operating on a seasonal basis shall extend only for the term of the event or

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season, and may by rule adjust the fees for such licenses accordingly.

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/26/2014 - DO PASS, As Amended and Coauthored.

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