

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1357 By: Halligan of the Senate
3 and
4 Denney of the House
5
6

7 An Act relating to public health; amending 63 O.S.
8 2011, Section 1-106.3, which relates to the Oklahoma
9 Food Service Advisory Council; increasing number of
10 members on Advisory Council; expanding scope of
11 certain recommendations; increasing number of members
12 appointed by the State Commissioner of Health; adding
13 representative from certain organization to the
14 Advisory Council; and providing an effective date.

15 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
16 and insert

17 "An Act relating to public health; amending 63 O.S.
18 2011, Section 1-106.3, which relates to the Oklahoma
19 Food Service Advisory Council; increasing number of
20 members on Advisory Council; increasing number of
21 members appointed by the State Commissioner of
22 Health; adding representative from certain
23 organization to the Advisory Council; and providing
24 an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-106.3, is
amended to read as follows:

1 Section 1-106.3 A. There is hereby created within the State
2 Department of Health the Oklahoma Food Service Advisory Council.

3 The purpose of the Advisory Council shall be to:

4 1. Advise the State Board of Health, the State Commissioner of
5 Health, and the Department regarding food service establishments;

6 and

7 2. Recommend actions to improve sanitation and consumer
8 protection.

9 B. The Advisory Council shall have the duty and authority to:

10 1. Review and approve in an advisory capacity only rules and
11 standards for food service establishments operating in this state;

12 2. Evaluate, review and make recommendations regarding
13 Department inspection activities; and

14 3. Recommend and approve quality indicators and data submission
15 requirements for food service establishments which shall be used by
16 the Department to monitor compliance with licensure requirements and
17 to publish an annual report of food service establishment
18 performance.

19 C. The Oklahoma Food Service Advisory Council shall be composed
20 of ~~thirteen (13)~~ fourteen (14) members as follows:

21 1. ~~Eight~~ Nine members shall be appointed by the Commissioner,
22 with the advice and consent of the Board, from a list of three names
23 for each position provided by an association representing the
24

1 majority of restaurant owners in this state. Such appointments
2 shall be as follows:

3 a. one member shall represent the Oklahoma Restaurant
4 Association,

5 b. one member shall represent the Oklahoma Hotel and
6 Motel Association,

7 c. one member shall represent the Oklahoma Grocers
8 Association,

9 d. one member shall represent food service education,

10 e. one member shall represent food processing education,

11 f. one member shall be an independent food service
12 operator,

13 g. one member shall be a food processor, ~~and~~

14 h. one member shall represent the School Nutrition
15 Association of Oklahoma, and

16 i. one member shall be a citizen representing the public
17 and shall not be a food service establishment operator
18 or employee and shall not be a member of a food
19 service governing board; and

20 2. The remaining appointments shall consist of:

21 a. the Director of the Oklahoma City-County Health
22 Department, or a designee,

23 b. the Director of the Tulsa City-County Health
24 Department, or a designee,

1 c. two directors from other county health departments in
2 this state or ~~a designee~~ designees, appointed by the
3 Commissioner, and

4 d. the Director of the ~~State~~ Oklahoma Department of
5 Agriculture, Food, and Forestry or a designee.

6 D. The appointments made by the Commissioner shall be for three-
7 year terms, except that after the effective date of this act, the
8 initial term of the representative of the public shall be for one
9 (1) year, and the initial terms of the independent food service
10 operator, the food processor, ~~and~~ the representatives of food
11 service education, and food processing education shall be for two
12 (2) years. The initial terms of all other members appointed by the
13 Commissioner shall be for three (3) years. After initial
14 appointments to the Advisory Council, the Commissioner shall appoint
15 members to three-year terms.

16 E. The Advisory Council shall meet on a quarterly basis.
17 Members of the Advisory Council shall serve without compensation but
18 shall be reimbursed for travel expenses by the Department pursuant
19 to the provisions of the State Travel Reimbursement Act.

20 SECTION 2. This act shall become effective November 1, 2016."
21
22
23
24

1 Passed the House of Representatives the 6th day of April, 2016.

2
3
4 Presiding Officer of the House of
Representatives

5
6 Passed the Senate the ____ day of _____, 2016.

7
8
9 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 1357

By: Halligan of the Senate

3 and

4 Denney of the House

5
6 An Act relating to public health; amending 63 O.S.
7 2011, Section 1-106.3, which relates to the Oklahoma
8 Food Service Advisory Council; increasing number of
9 members on Advisory Council; expanding scope of
10 certain recommendations; increasing number of members
11 appointed by the State Commissioner of Health; adding
12 representative from certain organization to the
13 Advisory Council; and providing an effective date.

10

11

12

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

13

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-106.3, is

14

amended to read as follows:

15

Section 1-106.3. A. There is hereby created within the State

16

Department of Health the Oklahoma Food Service Advisory Council.

17

The purpose of the Advisory Council shall be to:

18

1. Advise the State Board of Health, the State Commissioner of

19

Health, and the Department regarding food service establishments;

20

and

21

2. Recommend actions to improve sanitation and consumer

22

protection.

23

B. The Advisory Council shall have the duty and authority to:

24

1 1. Review and approve in an advisory capacity only rules and
2 standards for food service establishments operating in this state;

3 2. Evaluate, review and make recommendations regarding
4 Department inspection activities; and

5 3. Recommend and approve quality indicators and data submission
6 requirements for food service establishments which shall be used by
7 the Department to monitor compliance with licensure requirements and
8 to publish an annual report of food service establishment
9 performance. Recommendations shall include training which relates
10 to food safety in schools and is recognized by a national board,
11 council, commission or other entity specializing in best practices
12 for supervisors of school food operations.

13 C. The Oklahoma Food Service Advisory Council shall be composed
14 of ~~thirteen (13)~~ fourteen (14) members as follows:

15 1. ~~Eight~~ Nine members shall be appointed by the Commissioner,
16 with the advice and consent of the Board, from a list of three names
17 for each position provided by an association representing the
18 majority of restaurant owners in this state. Such appointments
19 shall be as follows:

20 a. one member shall represent the Oklahoma Restaurant
21 Association,

22 b. one member shall represent the Oklahoma Hotel and
23 Motel Association,

1 c. one member shall represent the Oklahoma Grocers
2 Association,

3 d. one member shall represent food service education,

4 e. one member shall represent food processing education,

5 f. one member shall be an independent food service
6 operator,

7 g. one member shall be a food processor, ~~and~~

8 h. one member shall represent the School Nutrition
9 Association of Oklahoma, and

10 i. one member shall be a citizen representing the public
11 and shall not be a food service establishment operator
12 or employee and shall not be a member of a food
13 service governing board; and

14 2. The remaining appointments shall consist of:

15 a. the Director of the Oklahoma City-County Health
16 Department, or a designee,

17 b. the Director of the Tulsa City-County Health
18 Department, or a designee,

19 c. two directors from other county health departments in
20 this state or ~~a designee~~ designees, appointed by the
21 Commissioner, and

22 d. the Director of the State Department of Agriculture,
23 or a designee.
24

1 D. The appointments made by the Commissioner shall be for three-
2 year terms, except that after the effective date of this act, the
3 initial term of the representative of the public shall be for one
4 (1) year, and the initial terms of the independent food service
5 operator, the food processor, ~~and~~ the representatives of food
6 service education, and food processing education shall be for two
7 (2) years. The initial terms of all other members appointed by the
8 Commissioner shall be for three (3) years. After initial
9 appointments to the Advisory Council, the Commissioner shall appoint
10 members to three-year terms.

11 E. The Advisory Council shall meet on a quarterly basis.
12 Members of the Advisory Council shall serve without compensation but
13 shall be reimbursed for travel expenses by the Department pursuant
14 to the provisions of the State Travel Reimbursement Act.

15 SECTION 2. This act shall become effective November 1, 2016.
16
17
18
19
20
21
22
23
24

