

1 ENGROSSED HOUSE  
2 BILL NO. 2744

By: Condit of the House

and

Fields of the Senate

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7 An Act relating to public health; amending 63 O.S.  
8 2011, Section 1-1119, which relates to licenses for  
9 the sale of food or drugs; providing that certain  
10 permits, licenses and fees are not required for  
11 certain persons to sell edible goods at certain  
12 temporary food establishments; declaring that the  
13 Legislature shall preempt legislation touching  
14 temporary food establishments; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1119, is  
18 amended to read as follows:

19 Section 1-1119. A. Any manufacturer, wholesaler or broker of  
20 food or drugs doing business in the State of Oklahoma, or bringing  
21 into and offering for sale within the State of Oklahoma any article  
22 of food or drug, shall secure an annual license from the  
23 Commissioner of Health and shall pay for such license a fee, to be  
24 fixed by the State Board of Health. Unless otherwise provided by  
rule by the Board, each such license shall expire on the 30th day of  
June following its issuance.

1 B. Provided, that subsection A of this section shall not apply  
2 to:

3 1. Brokers who procure the shipment of articles of food or  
4 drugs into the State of Oklahoma directly to the wholesaler without  
5 handling such products themselves, except that such brokers shall  
6 annually list their name and address with the State Department of  
7 Health; and

8 2. Any person who is licensed by the Board of Pharmacy to  
9 manufacture, make, produce, package, pack, prepare or sell, or offer  
10 for sale, at wholesale or retail, compressed medical gases.

11 C. Any person who has a valid license pursuant to subsection A  
12 of this section shall not be required to obtain a permit or license  
13 or pay a fee to sell any edible goods at temporary retail food  
14 establishments at a fixed, temporary facility in conjunction with a  
15 single event or celebration, not to exceed the duration of the event  
16 or celebration. The Legislature hereby occupies and preempts the  
17 entire field of legislation in this state touching in any way  
18 temporary retail food establishments where food is offered for sale  
19 at a fixed, temporary facility in conjunction with a single event or  
20 celebration.

21 SECTION 2. This act shall become effective November 1, 2016.  
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1 Passed the House of Representatives the 7th day of March, 2016.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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9 Presiding Officer of the Senate