HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1408 By: Billy of the House

and

Justice of the Senate

AS INTRODUCED

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; permitting State Board of Health to provide fee-exempt license to certain organizations; 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:

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 establishment license issued for such purpose by the State Commissioner of Health or designee. A food establishment 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 offers only whole, uncut and unprocessed fresh fruits, melons, vegetables and legumes and/or whole uncracked and unprocessed nuts;

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

3. A kitchen in a private home if only food that does not require time and temperature control for safety is prepared for sale or service at a function such as a nonprofit civic, charitable or religious organization's bake sale;

4. An area where food that is prepared as specified in paragraph 3 of this subsection is sold or offered for human consumption;

5. A private home that receives catered or home-delivered food;

6. A hotel licensed pursuant to Section 1-1201 of this title which provides limited food service in compliance with rules promulgated by the State Board of Health;

7. A kitchen in a private home or in a bed and breakfast that prepares and offers food to guests, if the home is owner-occupied, the number of available guest bedrooms does not exceed three, and breakfast is the only meal offered;

8. A nonprofit civic, charitable or religious organization using unpaid individuals to prepare or serve food on its behalf, for occasional fund-raising events sponsored and conducted by the organization. For the purposes of this paragraph, an "occasional

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fund-raising event" shall be defined as an event that occurs four times a year or less;

9. 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;

10. Nursing facilities and specialized facilities, as defined in and licensed pursuant to the provisions of the Nursing Home Care Act, residential care homes as defined by the Residential Care Act, adult day care centers as defined by the Adult Day Care Act, and assisted living centers and continuum of care facilities licensed pursuant to the Continuum of Care and Assisted Living Act; and

11. Other establishments exempted from food establishment licensure pursuant to state law.

B. ~~Unless otherwise provided by rule by the State Board of Health, each such~~ Each license shall expire ~~on the 30th day of June~~ one (1) year following the date of its issuance. The ~~Commissioner~~ State Department of Health 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~~

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~~under rules adopted by the Board pursuant to subsection D of Section 1-106.1 of this title~~

1. The Board may provide by rule for a fee-exempt license for a food establishment operated by a nonprofit, civic, charitable or religious organization that uses unpaid persons to sell or offer food on a more frequent basis than the occasional fund-raising event. A fee-exempt license shall not expire but shall remain in full force and effect until affirmatively revoked, suspended, annulled or withdrawn by the ~~Commissioner~~ Department in accordance with applicable law.

2. 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 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

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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, 2015.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/11/2015 - DO PASS, As Coauthored.

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