

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1168

By: David

AS INTRODUCED

An Act relating to the Oklahoma Public Health Advisory Council Modernization Act; amending 63 O.S. 2011, Section 1-106.1, which relates to fee schedule for licenses, permits and other health services; modifying terminology; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-106.1, is amended to read as follows:

Section 1-106.1. A. The State Board of Health may establish a system of fees to be charged for health services and for services rendered to members of the public in the issuance and renewal of licenses and permits by the State Commissioner of Health and the State Department of Health. This provision is subject to the following limitations:

1. No schedule of fees ~~may~~ shall be established or amended by the Board except during such times as the Legislature is in session; provided, the Board may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule

1 of fees has been specifically authorized by the Legislature or has
2 been approved by the Contingency Review Board. The State Board of
3 Health ~~must~~ shall follow the procedures required by Article I of the
4 Administrative Procedures Act for adoption of rules and regulations
5 in establishing or amending any such schedule of fees; and

6 2. The Board shall charge fees only within the following
7 ranges, except as may be otherwise provided for in this title.

8 For license or permit issuance: \$50.00 to \$2,000.00

9 For license or permit renewal: \$10.00 to \$500.00

10 For health services: \$25.00 to \$250.00

11 provided further, that any facility exempt from the requirement to
12 obtain a permit based on date of construction or start-up may be
13 assessed an annual permit renewal fee equivalent.

14 B. The Board's authority to establish such a fee schedule shall
15 extend to all programs administered by the State Commissioner of
16 Health and the State Department of Health, regardless of whether the
17 statutes creating such programs are codified in the Oklahoma Public
18 Health Code.

19 C. The Board shall base its schedule of licensing or permitting
20 fees upon the reasonable costs of review and inspection services
21 rendered in connection with each license and permit program, but
22 shall be within the ranges specified in subsection A of this
23 section, except as may be otherwise specified in this section. The
24 Department shall establish a system of training for all personnel

1 who render review and inspection services in order to assure uniform
2 statewide application of rules and regulations and the Board shall
3 also base the fee on reasonable costs associated with the training
4 of those personnel. Such fees shall not be used in the operation of
5 local health departments whose personnel do not participate fully in
6 applicable State Department of Health training and standardization
7 programs.

8 D. The Board may exempt by rule any class of licensee or
9 permittee or any class of facility or activity to be licensed or
10 permitted from the requirements of the fee schedule if the Board
11 determines that the creation of such a schedule for any such class
12 would work an unreasonable economic hardship.

13 E. All statutory fees now in effect for health services and for
14 the issuance and renewal of any license or permit administered by
15 the State Commissioner of Health and the State Department of Health
16 within the jurisdiction of the Department shall remain in effect
17 until such time as the Board acts to implement new fee schedules
18 pursuant to the provisions of this Code.

19 F. Unless a longer duration is specified for certain permits by
20 the rules and regulations of the Board, licenses and permits issued
21 by the Commissioner of Health shall be for a one-year period.

22 SECTION 2. This act shall become effective November 1, 2018.
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