

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 1635 By: Staires of the House  
3  
and  
4  
Rader of the Senate  
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7 An Act relating to hotels; amending 63 O.S. 2021,  
8 Section 1-1201, which relates to licenses; modifying  
9 definition; updating statutory language; providing  
gender-neutral language; and providing an effective  
date.

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11 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
12 entire bill and insert

13 "An Act relating to public health and safety;  
14 amending 63 O.S. 2021, Section 1-1118, which relates  
15 to food establishment license; modifying certain  
16 exemption; amending 63 O.S. 2021, Section 1-1201,  
17 which relates to hotel licenses; modifying  
definition; modifying rulemaking authority of the  
State Commissioner of Health; updating statutory  
language; making language gender neutral; and  
declaring an emergency.

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

20 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1118, is  
21 amended to read as follows:

22 Section 1-1118. A. It shall be unlawful for any person to  
23 operate or maintain any establishment, stationary or otherwise,  
24 where food or drink is offered for sale, or sold, to the public,

1 unless the person is the holder of a food establishment license  
2 issued for such purpose by the State Commissioner of Health or  
3 designee. A food establishment license shall not be required for:

4 1. A produce stand that offers only whole, uncut and  
5 unprocessed fresh fruits, melons, vegetables and legumes and/or  
6 whole uncracked and unprocessed nuts;

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

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

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

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

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

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

1        8. A nonprofit civic, charitable or religious organization  
2 using unpaid individuals to prepare or serve food on its behalf, for  
3 occasional fund-raising events sponsored and conducted by the  
4 organization. For the purposes of this paragraph, an "occasional  
5 fund-raising event" shall be defined as an event that occurs four  
6 times a year or less;

7        9. Day care centers or family day care centers, and all other  
8 child care facilities as defined and licensed pursuant to the  
9 provisions of the Oklahoma Child Care Facilities Licensing Act;

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

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

18       B. Each license shall expire one (1) year following the date of  
19 its issuance. The State Department of Health shall charge and  
20 collect for each such license an annual fee to be fixed by the State  
21 Commissioner of Health.

22       1. The Commissioner may provide by rule for a fee-exempt  
23 license for a food establishment operated by a nonprofit, civic,  
24 charitable or religious organization that uses unpaid persons to

1 sell or offer food on a more frequent basis than the occasional  
2 fund-raising event. A fee-exempt license shall not expire but shall  
3 remain in full force and effect until affirmatively revoked,  
4 suspended, annulled or withdrawn by the Department in accordance  
5 with applicable law.

6 2. The Commissioner may by rule also provide that licenses for  
7 establishments serving events of limited duration or operating on a  
8 seasonal basis shall extend only for the term of the event or  
9 season, and may by rule adjust the fees for such licenses  
10 accordingly.

11 3. The Commissioner shall provide by rule a three-day license  
12 for vendors who only sell at farmers markets as defined in 310:257-  
13 1-2 of the Oklahoma Administrative Code or at county fairs.  
14 Licenses for vendors who only sell at farmers markets or county  
15 fairs shall not exceed Fifty Dollars (\$50.00). Vendors who do not  
16 sell food and vendors who meet the exceptions provided in subsection  
17 A of this section shall not be required to obtain a three-day  
18 license or a food establishment license.

19 4. The Commissioner shall provide by rule a multiseasonal  
20 license for snow cone stands that sell hot beverages in addition to  
21 snow cones. A snow cone stand that does not sell hot beverages  
22 shall be considered a seasonal food establishment.

23 C. The State Commissioner of Health shall promulgate reasonable  
24 standards and rules for sanitation of establishments required to be

1 licensed, which shall include the following: buildings, vehicles,  
2 and appurtenances thereto, including plumbing, ventilation and  
3 lighting; construction, cleanliness and bactericidal treatment of  
4 equipment and utensils; cleanliness, wholesomeness, storage and  
5 refrigeration of food and drink sold or served; cleanliness and  
6 hygiene of personnel; toilet facilities; disposal of waste; water  
7 supply; and other items deemed necessary to safeguard the health,  
8 comfort, and safety of customers.

9 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1201, is  
10 amended to read as follows:

11 Section 1-1201. ~~(a)~~ A. It shall be unlawful for any person to  
12 operate or maintain a hotel unless he or she shall have first  
13 obtained, and holds, a license issued for such purpose by the State  
14 Commissioner of Health. Unless otherwise provided by rule by the  
15 ~~State Board of Health Commissioner~~, each such license shall expire  
16 on the 30th day of June next following its issuance, and the  
17 Commissioner shall charge and collect therefor an annual fee to be  
18 fixed by the ~~Board of Health Commissioner~~. The term "hotel" as used  
19 in this section shall mean and include any hotel, motel, tourist  
20 court, apartment house, rooming house, or other place where sleeping  
21 accommodations are furnished, or offered, for pay for transient  
22 guests, if ~~four~~ five or more rooms are available therein for  
23 transient guests. This section shall apply to the operation of a  
24 hotel by a state board.

~~(b)~~ B. The State Board of Health Commissioner may adopt reasonable standards, rules and regulations for hotels as to the following: ~~buildings and appurtenances thereto, including plumbing, ventilation and lighting; construction,~~ cleanliness and bactericidal treatment of equipment and utensils; cleanliness and hygiene of personnel; toilet facilities; disposal of wastes; water supply; and any other items deemed necessary to safeguard the health, comfort and safety of guests accommodated therein.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the Senate the 19th day of April, 2023.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2023.

Presiding Officer of the House  
of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 1635

By: Staires of the House

3 and

4 Rader of the Senate

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8 An Act relating to hotels; amending 63 O.S. 2021,  
9 Section 1-1201, which relates to licenses; modifying  
10 definition; updating statutory language; providing  
11 gender-neutral language; and providing an effective  
12 date.

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

14 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-1201, is  
15 amended to read as follows:

16 Section 1-1201. ~~(a)~~ A. It shall be unlawful for any person to  
17 operate or maintain a hotel unless he or she shall have first  
18 obtained, and holds, a license issued for such purpose by the State  
19 Commissioner of Health. Unless otherwise provided by rule by the  
20 ~~State Board of Health~~ Commissioner, each such license shall expire  
21 on the 30th day of June next following its issuance, and the  
22 Commissioner shall charge and collect therefor an annual fee to be  
23 fixed by the ~~Board of Health~~ Commissioner. The term "hotel" as used  
24 in this section shall mean and include any hotel, motel, tourist

1 court, apartment house, rooming house, or other place where sleeping  
2 accommodations are furnished, or offered, for pay for transient  
3 guests, if ~~four~~ seven or more rooms are available therein for  
4 transient guests. This section shall apply to the operation of a  
5 hotel by a state board.

6 ~~(b) B. The State Board of Health Commissioner or designee, may~~  
7 ~~adopt reasonable standards, rules and regulations for inspect~~ hotels  
8 as to compliance with state laws and the following: buildings and  
9 appurtenances thereto, ~~including plumbing, ventilation and lighting,~~  
10 ~~construction,~~ cleanliness and bactericidal treatment of equipment  
11 and utensils; cleanliness and hygiene of personnel; toilet  
12 facilities; disposal of wastes; ~~water supply,~~ and any other items  
13 deemed necessary to safeguard the health, comfort and safety of  
14 guests accommodated therein.

15 SECTION 5. This act shall become effective November 1, 2023.

16 Passed the House of Representatives the 8th day of March, 2023.

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18 \_\_\_\_\_  
19 Presiding Officer of the House  
20 of Representatives

21 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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23 \_\_\_\_\_  
24 Presiding Officer of the Senate



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